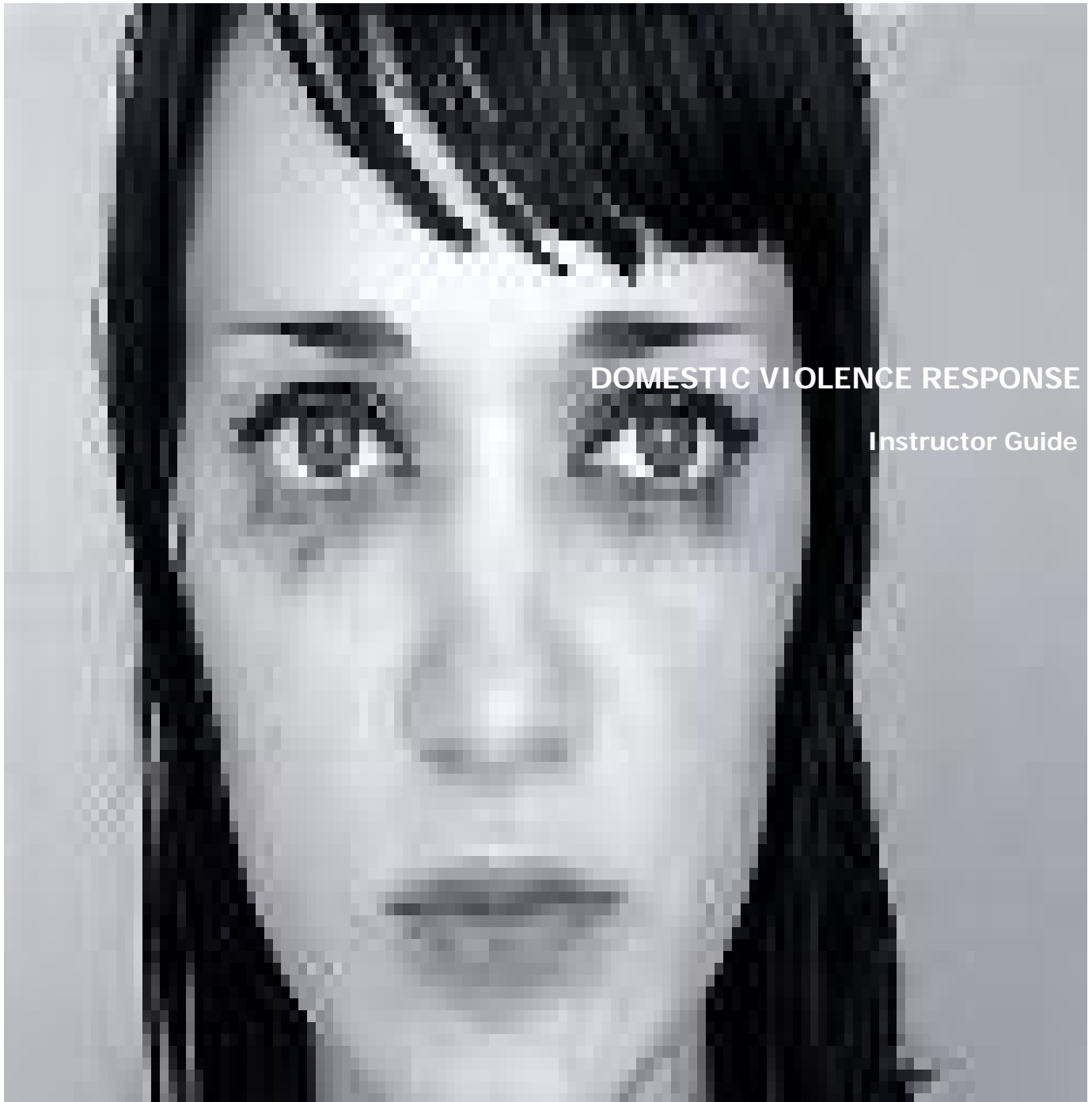


Unless we are prepared to search our souls to discover what to say, and then how to say it effectively, we cannot expect to deal successfully with today's domestic and personal problems, not to mention those international issues on which our very lives depend.

- Everett Case



DOMESTIC VIOLENCE RESPONSE

Instructor Guide

COURSE TITLE:	Domestic Violence Response
INSTRUCTIONAL GOALS:	To train officers to safely and effectively respond to domestic calls.
INSTRUCTIONAL OBJECTIVES:	<p>Upon completion of this block of instruction the participant will be able to:</p> <ol style="list-style-type: none">1. Identify indications of possible spouse abuse.2. Identify available alternatives for assistance to battered women.3. Identify the elements of an order of protection.4. Identify the responsibilities of law enforcement officers when violations of orders of protection or restraint have occurred.5. Identify the responsibilities of law enforcement officers at the scene of a spouse abuse complaint.6. Identify the ethical issues at work in matters related to domestic violence.7. Identify proper procedures for conducting the initial investigation of domestic abuse.8. Identify the criteria needed to determine the primary aggressor in a dual assault case.
INSTRUCTIONAL METHODS:	Classroom and Scenario based instruction
HANDOUTS:	Student Guide
COURSE DURATION:	Twenty four hours minimum; forty hours per class of forty recommended to complete scenario based instruction

-
- CURRICULUM REFERENCES:
- Brinegar, Jerry. 1992. *Breaking Free from Domestic Violence*. Minneapolis, MN: CompCare Press
- Campbell, Jacquelyn C. 1995. *Assessing Dangerousness: Violence by Sexual Offenders, BATTERERS, and Child Abusers*. Thousand Oaks, California: Sage Press.
- Caponera, Betty, Ph.D. *Incidence and Nature of Domestic Violence in New Mexico: An Analysis of 1999 Data from the New Mexico Domestic Violence Data Central Repository*. June 2000.
- Crandall, Cameron, MD. *Getting Away With Murder II: Violence Against Women Homicide Deaths in 1997-1998*; The New Mexico Female Intimate Partner Violence Death Review Team
- Davies, Jill. 1998. *Safety Planning with Battered Women*. Thousand Oaks, California: Sage Press.
- Domestic Violence in the Los Angeles Police Department: 1997 Domestic Violence Task Force Report
- Domestic Violence: Understanding the Violence Dynamics Manual. Rhode Island Coalition Against Domestic
- Firearms and Domestic Violence: Exploring the Links; An update on the role of firearms in domestic violence for researchers and advocates
- Hotelling, Gerald T., David Finkelhor, John T. Kirkpatrick, and Murray A. Straus, 1988; *Coping with Family Violence: Research and Perspectives*. Thousand Oaks, California: Sage Publication.
- Journal of Interpersonal Violence, Volume 12, Number 3, June 1997. Thousand Oaks, California: Sage Publication.
- Levy, Barrie; 1991; *Dating Violence: Young Women in Danger*. Seattle, Washington: Seal Press.
- New Mexico Criminal and Traffic Law Manual 2006 edition

O'Dell, Anne. "Effective Investigation: Tips on Corroborating the Circumstantial Domestic Violence Case." Presentation for the National College of District Attorney's Conference on Domestic Violence, Atlanta, GA, October 15, 1996.

San Diego Police Department, Domestic Violence Operations Manual, 8/96.

Walker, Lenore E. 1979. *The Battered Woman*; New York, New York: Harper & Row Press.

Walker, Lenore E. 1989. *Terrifying Love*; New York, New York: Harper & Row Press

SAFETY CONSIDERATION: Instructor guidance and supervision during scenario based instruction

EQUIPMENT, PERSONNEL, AND SUPPLIES NEEDED: Audio/Visual Equipment capable of introducing PowerPoint presentation with embedded audio/video; in-house staff instructors or adjunct instructors who hold General Police and Domestic Violence certification to assist with scenario based instruction

TARGET AUDIENCE: New Mexico Law Enforcement Cadets/Recruits

COURSE PREREQUISITES: None

INSTRUCTOR CERT.: General Police, Domestic Violence Instructor

INSTRUCTOR RATIO: 1/40; 4/40 for scenario based training

EVALUATION STRATEGY: New Mexico Law Enforcement Officers Accreditation Exam

AUTHOR & ORIGINATION DATE: Ed R. Garcia, N.M.L.E.A Instructor; June 2006

REVISION / REVIEW DATE(S): June 2006

REVISED / REVIEWED BY: Ed R. Garcia, N.M.L.E.A Instructor; June 2006

ADDITIONAL INSTRUCTOR NOTES

COURSE OUTLINE:

- I. DOMESTIC VIOLENCE
 - A. The changing role in law enforcement
- II. Domestic Violence Response
 - A. The essential role in preventions and intervention
 - B. Old style of intervention was mediation
- III. Earl Intervention Strategy
 - A. Arrest
 - b. Batterer accountability
- IV. The community and officer frustrations
 - A. Characteristics of people
 - B. The Criminal Justice System
 - C. Victim safety
- V. DYNAMICS OF DOMESTIC VIOLENCE
 - A. Dynamics of the offender
 - B. Relationships
 - C. Control and Power
 - D. Increased Power
 - E. Short Lived Benefits
 - F. Learned Behavior
 - G. Reinforced behavior
 - H. Response of the offender
- VI. THE CYCLE OF VIOLENCE
 - A. Dr. Lenore Walker theory
- VII. THE DULUTH MODEL
 - A. Coordinated Community Response
 - B. Coordinated Community Response
 - C. Four theories of what causes Domestic Violence?
 - 1. Individual pathology
 - 2. Relationship dysfunction
 - 3. Learned response
 - 4. Theory of dominance

[illegible]

VIII. SYSTEM OF POWER AND CONTROL TACTICS

- A. Physical violence
- B. Sexual violence
- C. Other tactics on Power and Control Wheel

IX. THEORIES ABOUT CHILD ABUSE**X. THE USE OF VIOLENCE IN AN INTIMATE RELATIONSHIP HAS DIFFERENT INTENTS:**

- A. Battering
- B. Resistive violence
- C. Situational violence
- D. Pathological violence

XI. BATTERING

- A. System of power and control
 - 1. Fear
 - 2. Threats
 - 3. Intimidation
 - 4. Coercion

XII. BATTERING TACTICS

- A. Social movement
- B. Resistive Violence
- C. Victim's violence usually different
 - 1. Different impact – individual and social
 - a. Situational
 - b. Dominance
 - c. Pathological
 - d. Resistive
 - 2. Why is understanding intent important?
 - a. Help us to differentiate between acts of violence
 - b. Help us to determine most appropriate response
 - c. Not getting it right could be dangerous

XIII. THE VICTIMS OF DV

- A. Physical Hazards
- B. Practical Obstacles
- C. Lack of economic resources

ADDITIONAL INSTRUCTOR NOTES

XIV. WOMEN OF COLOR**XV. IMMIGRANT & REFUGEE WOMEN**

- A. Who Enforces Immigration Law?
- B. Why Should Police Avoid Enforcing Immigration Law?
- C. Steps to Encourage Reporting & Develop Trust

XVI. IMPACT OF RECURRING VIOLENCE ON ALL VICTIMS**XVII. IMPACT ON OFFENDERS****XVIII. THE CHILDREN - THE FORGOTTEN VICTIM IN DV**

- A. May be injured
 - 1. Accidentally
 - 2. Intentionally
 - 3. While intervening
- B. Factors that influence child abuse
 - 1. Substance abuse by parents
 - 2. Parental history of abuse
 - 3. Marital Conflict/Domestic Violence
 - 4. Unemployment
 - 5. Stress
- C. Types of abuse
 - 1. Neglect
 - 2. Physical
 - 3. Emotional
 - 4. Sexual
- D. Prevention

XIX. DYNAMICS OF DOMESTIC VIOLENCE

- A. Investigation
 - 1. General Approach
- B. Gather relevant historical information
- C. Will aid you in deciding:
 - 1. How dangerous is the situation
 - 2. Whether or not to book
 - 3. What charges to use
 - 4. Whether or not the children are safe
 - 5. Whether emergency housing should be sought for the victims safety

[illegible]

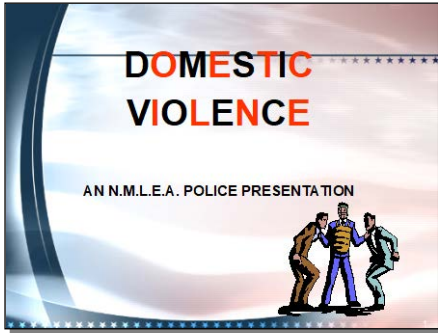
- XX. DANGER AND DYING
 - A. Basic guidelines for defusing the dangers of domestic violence
- XXX. DIFFUSING AGGRESSIVE BEHAVIOR
- XL. PRIMARY AGGRESSOR –REPORTS
 - A. 40-13-1.1 Legislative findings; state policy; dual arrests
 - B. Primary Aggressor
 - 1. Analysis
 - 2. Objective
- L. REPORT WRITING
- LX. WILL BATTERERS KILL?" & CONTAINMENT
- LXX. LIABILITY
 - A. Civil Liability in domestic violence incidents
 - B. Federal Civil Rights Act
 - C. Officer Discretion and Immunity
 - 1. Nearing v. Weaver
 - 2. Thurman V. City of Torrington
 - 3. Sorcichetti V. City of New York
 - 4. Jones V. County of Herkimer
 - 5. Baker V. City of New York
 - 6. Zibbon V. Town of Cheektowaga
 - 7. Morgan V. County of Yuba
 - 8. Simpson V. City of Miami
 - D. Action Vs. Failure to act
 - E. Reducing Potential Exposure to Lawsuits
- LXXX. FAITH AND CREDIT AND ORDERS OF PROTECTION
 - A. Orders of Protection
 - B. Conditions for enforcement
 - C. Full Faith and Credit
 - D. Federal Interstate Laws
- XC. TESTIMONY
 - A. Expert Witness
 - B. Testimony
 - C. Myths of domestic violence

[illegible]

XCIX. REMEMBER

A. KNOW THE LAWS THAT APPLY! DOMESTIC VIOLENCE IS A CRIME AND SHOULD BE INVESTIGATED AS SUCH.

COURSE CONTENT:



DOMESTIC VIOLENCE AN N.M.L.E.A. POLICE PRESENTATION

INSTRUCTOR NOTES:

- Introduce Course (Slide One)
- Introduce Self
- Classroom and housekeeping rules
- Distribute Student Guide
- Discuss Course Goals and Objectives

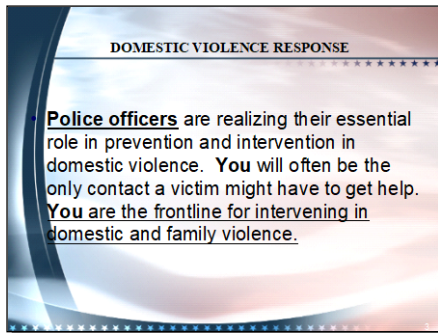


THE CHANGING ROLE OF LAW ENFORCEMENT

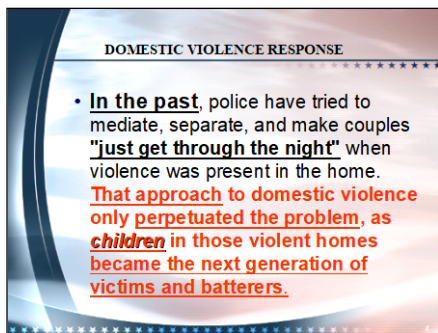
DOMESTIC VIOLENCE RESPONSE

INSTRUCTOR NOTES: *(Imbedded audio of DV 911 call)*
Once the goals and objectives are covered and “The Changing Role of Law Enforcement” has been emphasized click on hyperlink to open the course. The audio is entitled “The Physician” and is a 911 call from a woman reporting a battery by her husband who is a physician. Listen to audio and discuss what happened and what is happening. Stress that this is the side of the story the officer never hears, that domestic violence is not prejudice to race, color, creed, religion or wealthy. Emphasize that police and the community need to get more deeply involved to help the family survive as chances are that the family will stay together and if we don’t “collectively” help the family there is a very good chance we will return there again. “The one main thing that frustrates officers the most when dealing with Domestic violence

[illegible]



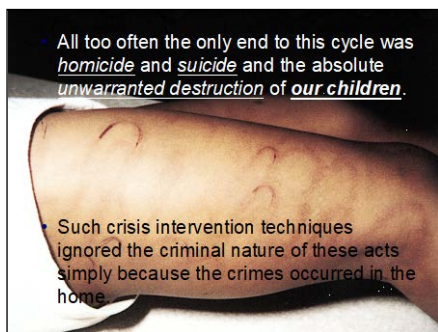
Police officers are realizing their essential role in prevention and intervention in domestic violence. You will often be the only contact a victim might have to get help. You are the frontline for intervening in domestic and family violence.



In the past, police have tried to mediate, separate, and make couples "just get through the night" when violence was present in the home.

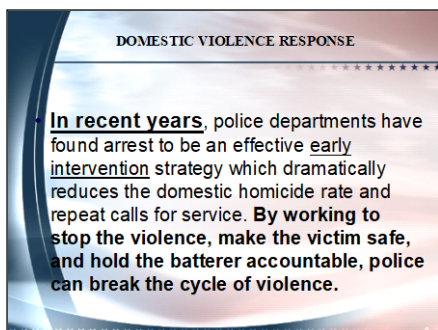
INSTRUCTOR NOTES:

Here the instructor should stress that if we continue to respond to such calls as we have historically practiced we are not helping anyone and will eventually return there and "That approach to domestic violence only perpetuated the problem, as children in those violent homes became the next generation of victims and batterers".



All too often the only end to this cycle was homicide and suicide and the absolute unwarranted destruction of our children.

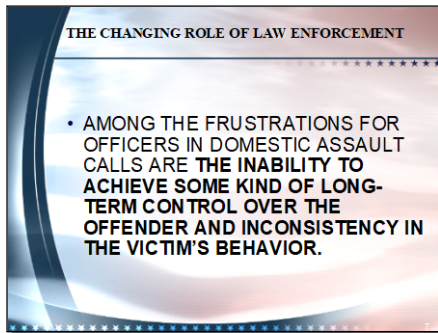
Such crisis intervention techniques ignored the criminal nature of these acts simply because the crimes occurred in the home.



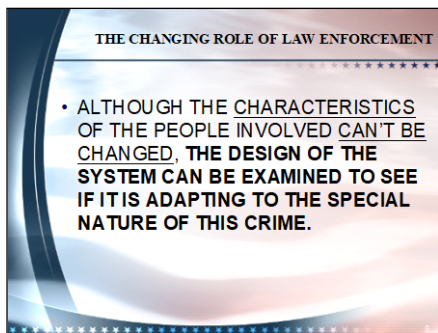
In recent years, police departments have found arrest to be an effective early intervention strategy which dramatically reduces the domestic homicide rate and repeat calls for service.

INSTRUCTOR NOTES:

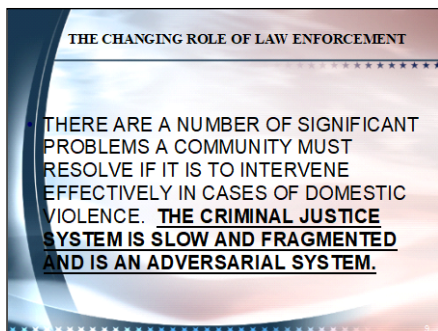
Stress that "By working to stop the violence, make the victim safe, and hold the batterer accountable, police can break the cycle of violence"



AMONG THE FRUSTRATIONS FOR OFFICERS IN DOMESTIC ASSAULT CALLS ARE THE INABILITY TO ACHIEVE SOME KIND OF LONG-TERM CONTROL OVER THE OFFENDER AND INCONSISTENCY IN THE VICTIM'S BEHAVIOR.



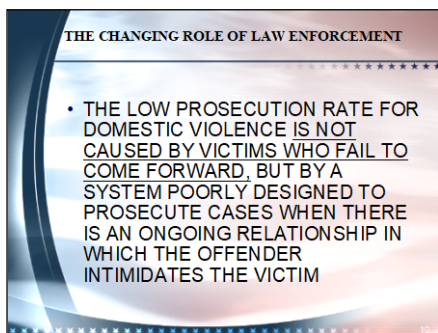
ALTHOUGH THE CHARACTERISTICS OF THE PEOPLE INVOLVED CAN'T BE CHANGED, THE DESIGN OF THE SYSTEM CAN BE EXAMINED TO SEE IF IT IS ADAPTING TO THE SPECIAL NATURE OF THIS CRIME.



THERE ARE A NUMBER OF SIGNIFICANT PROBLEMS A COMMUNITY MUST RESOLVE IF IT IS TO INTERVENE EFFECTIVELY IN CASES OF DOMESTIC VIOLENCE. THE CRIMINAL JUSTICE SYSTEM IS SLOW AND FRAGMENTED AND IS AN ADVERSARIAL SYSTEM.

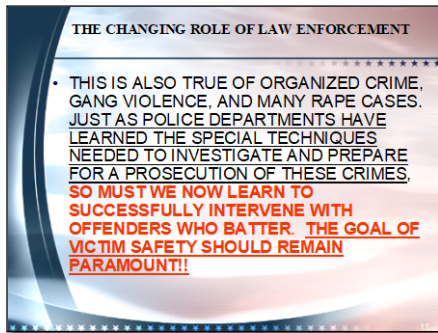
INSTRUCTOR NOTES:

Here solicit from the class any court room experience they may have ever had either personal or professional and inquire as to "how comfortable" the setting was. Compare these feelings from a DV victim's/survivor perspective. Allow discussion.



THE LOW PROSECUTION RATE FOR DOMESTIC VIOLENCE IS NOT CAUSED BY VICTIMS WHO FAIL TO COME FORWARD, BUT BY A SYSTEM POORLY DESIGNED TO PROSECUTE CASES WHEN THERE IS AN ONGOING RELATIONSHIP IN WHICH THE OFFENDER INTIMIDATES THE VICTIM

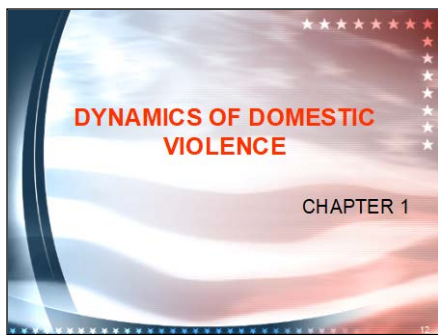
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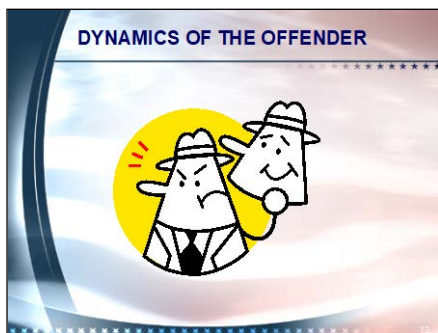
THIS IS ALSO TRUE OF ORGANIZED CRIME, GANG VIOLENCE, AND MANY RAPE CASES. JUST AS POLICE DEPARTMENTS HAVE LEARNED THE SPECIAL TECHNIQUES NEEDED TO INVESTIGATE AND PREPARE FOR A PROSECUTION OF THESE CRIMES,

INSTRUCTOR NOTES:

HERE STRESS THAT WE MUST NOW LEARN TO SUCCESSFULLY INTERVENE WITH OFFENDERS WHO BATTER. THE GOAL OF VICTIM SAFETY SHOULD REMAIN PARAMOUNT!!



DYNAMICS OF DOMESTIC VIOLENCE
CHAPTER 1



DYNAMICS OF THE OFFENDER

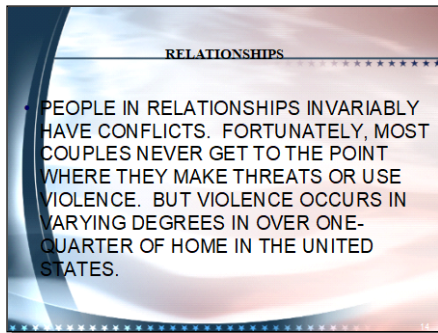
INSTRUCTOR NOTES:

Here you to inquire from the class, “Do you truly know who you are, who you represent and how others perceive you, including your significant other”?

Here you will talk about the “3 faces” in the mirror they should see in the morning but generally never do.

1. That ugly, I’m not satisfied with what I look like look.
2. The second, the one that I want everyone to see, thus we perfume ourselves, slick our hair and put on clothing that we think represents us.
3. Or, finally, the one that everyone actually sees except ourselves? We might actually be seen as mean, cruel, vain, etc., yet we don’t see ourselves this way.

[illegible]



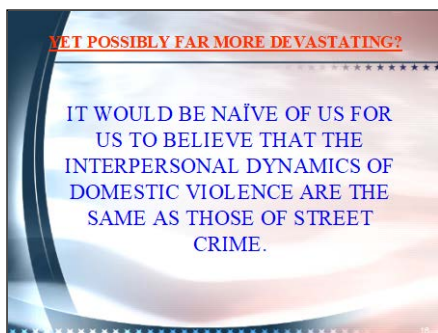
PEOPLE IN RELATIONSHIPS INVARIABLY HAVE CONFLICTS. FORTUNATELY, MOST COUPLES NEVER GET TO THE POINT WHERE THEY MAKE THREATS OR USE VIOLENCE. BUT VIOLENCE OCCURS IN VARYING DEGREES IN OVER ONE-QUARTER OF HOME IN THE UNITED STATES.



VIOLENCE IN AN INTIMATE RELATIONSHIP IS A CRIME NO LESS SERIOUS THAN A STRANGER MUGGING A VICTIM ON A DARK STREET YET POSSIBLY FAR MORE DEVASTATING.

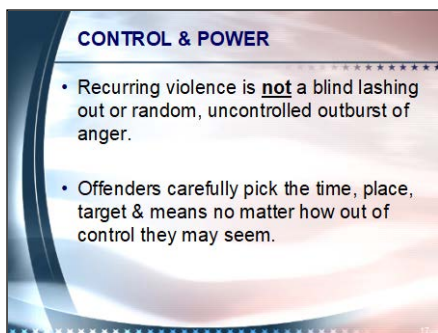
INSTRUCTOR NOTES:

Stress that the photo could be that of the victim or the innocent child who was trying to intervene; Ask? What would lead someone to do such damage to their “loved” one, the one they chose to “cherish” for the rest of their lives?



INSTRUCTOR NOTES:

Here we stress that domestic violence is more that “**just a family matter**”, and our former practiced role as mediators doesn’t work. Stress that Domestic Violence is a crime and that we, in law enforcement, need to initiate the “community” effort and hopefully the judicial system, attorneys, advocates etc. can work together to help the “family” and yet hold the batterer accountable. Domestic Violence is a crime however if we don’t help them “all” we will return and maybe next time to something much more devastating!

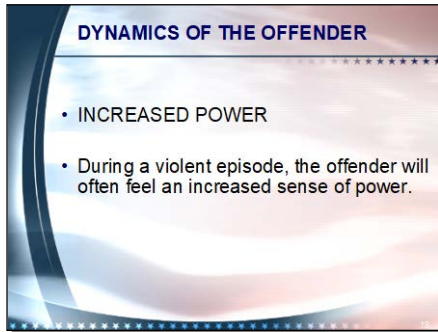


CONTROL & POWER

Recurring violence is not a blind lashing out or random, uncontrolled outburst of anger.

Offenders carefully pick the time, place, target & means no matter how out of control they may seem. **DOMESTIC VIOLENCE IS CONTROL AND POWER!**

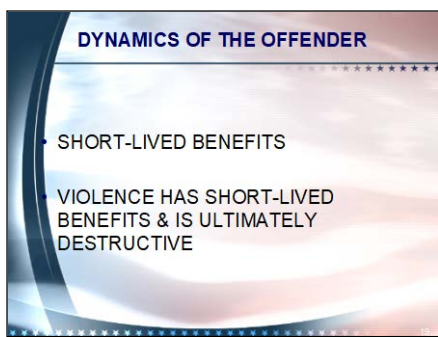
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DYNAMICS OF THE OFFENDER

INCREASED POWER

During a violent episode, the offender will often feel an increased sense of power.



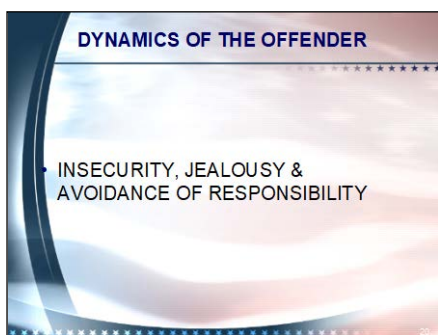
DYNAMICS OF THE OFFENDER

SHORT-LIVED BENEFITS

VIOLENCE HAS SHORT-LIVED BENEFITS & IS ULTIMATELY DESTRUCTIVE

INSTRUCTOR NOTES:

Here you solicit what the class may perceive as “benefits” after the episode concludes. What did the offender have to gain by lashing out at his/her loved ones? How could those benefits lead to future destruction of the family?



DYNAMICS OF THE OFFENDER

INSECURITY, JEALOUSY & AVOIDANCE OF RESPONSIBILITY
LEARNED BEHAVIOR

INSTRUCTOR NOTES:

Here we ask the class, “did the episode occur because of the offenders insecurity, was their jealousy involved, did it occur because he failed to do something (responsibility) and the way out is by blaming, Or, is this individual the way he is because witnessed the same at home, growing up and saw that no one ever said anything and became an acceptable practice? (Learned behavior)

LEARNED BEHAVIOR

- Can be learned at an early age by one's parents
- May be learned from peer groups, television, & our violent culture which encourages men to be aggressive.

Can be learned at an early age by one's parents

May be learned from peer groups, television, & our violent culture which encourages men to be aggressive

REINFORCED BEHAVIOR

This occurs when one attack is successful. It brings a desired result from the victim & is forgiven by her.

- May be learned & reinforced from society.
- Violence may be unlearned, too, if societal attitudes & responses change

REINFORCED BEHAVIOR

This occurs when one attack is successful. It brings a desired result from the victim & is forgiven by her.

May be learned & reinforced from society.

INSTRUCTOR NOTES:

Here we stress the importance of a change in current practices and becoming more involved with the families who don't recognize what is taking place in the context of their own home. We stress that Violence may be unlearned, too, if societal attitudes & responses change

RESPONSE OF THE OFFENDER

- Minimizing the injury & severity of the episode.
- Flatly denying any incident took place.
- Blaming the victim for provocation or bringing it on herself

RESPONSE OF THE OFFENDER

Minimizing the injury & severity of the episode

Flatly denying any incident took place.

Blaming the victim for provocation or bringing it on herself

RESPONSE OF THE OFFENDER

- Blaming the episode on alcohol, drugs, or outside stress.

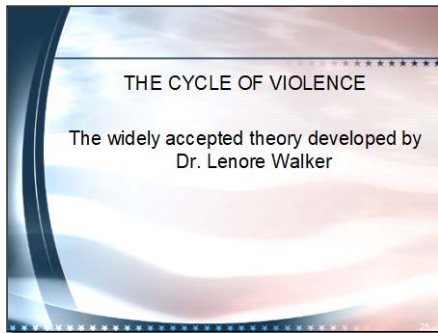
Justifying the violence as necessary e.g. (self-defense, keeping her in line, etc.)

RESPONSE OF THE OFFENDER

Blaming the episode on alcohol, drugs, or outside stress

Justifying the violence as necessary e.g. (self-defense, keeping her in line, etc.)

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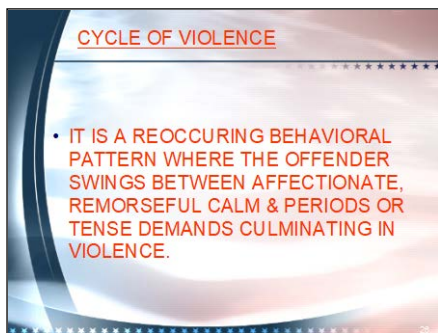


THE CYCLE OF VIOLENCE

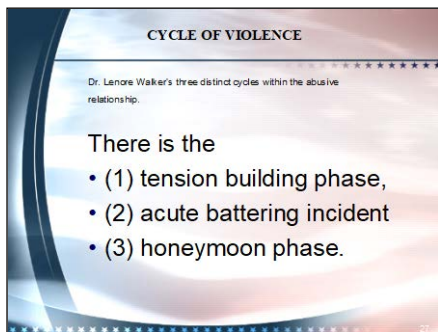
The widely accepted theory developed by Dr. Lenore Walker
CYCLE OF VIOLENCE

INSTRUCTOR NOTES:

Here you will mention that this is a widely accepted model however the one discrepancy of the model is that of the 3 distinct model one not always present as it suggests (Honeymoon Phase) Mention that as the program continues they will learn of a new, accepted and functioning model out of Duluth Minnesota and the one currently proposed by the Governors DV Czar, Sandra Gardner



IT IS A REOCCURRING BEHAVIORAL PATTERN WHERE THE OFFENDER SWINGS BETWEEN AFFECTIONATE, REMORSEFUL CALM & PERIODS OR TENSE DEMANDS CULMINATING IN VIOLENCE.



Dr. Lenore Walker's three distinct cycles within the abusive relationship

There is the
(1) tension building phase,
(2) acute battering incident
(3) honeymoon phase.



Cycle of Violence
Tension Building Phase

INSTRUCTOR NOTES:

The instructor should heavily emphasize the points made on each phase of the cycle of violence.

[illegible]

Tension Building Phase	
<u>Abuser</u>	<u>Victim Response</u>
Blames	Attempts to calm abuser
Moody / Sullen	Keeps kids quiet & away from abuser
Yelling / Breaks things	Agrees with abuser
Keeps victim from family	Go out to eat at favorite restaurant
Mean to kids	Nervous / Walking on egg shells

INSTRUCTOR NOTES:

The instructor should heavily emphasize the points made on each phase of the cycle of violence.

Cycle of Violence

Acute Battering Phase (Explosion)

Vicious verbal attack / Will not let victim call for help / Hitting / Beating / Choking / Rape / Use of weapons / Death / **TAKING IT OUT ON THE KIDS OR ANIMALS!!!!**



Cycle of Violence Acute Battering Phase

INSTRUCTOR NOTES:

The instructor should heavily emphasize the points made on each phase of the cycle of violence. Make a strong point on the other victims of DV, the children


Acute Battering Phase	
<u>Abuser</u>	<u>Victim Response</u>
Verbal attack	Protection any way possible
Beating / Hitting / Choking	Victim calls police
Use of weapons	Kids call police
Rape	Attempts to calm abuser
Will not let victim call for help	Fights back
TAKES THE CHILDREN – “POWER AND CONTROL” INTENTIONALLY/UNINTENTIONALLY STRIKES THE CHILD/CHILDREN	

Cycle of Violence

NOT ALWAYS PRESENT!!

Honeymoon Phase (Loving Respite or Hearts & Flowers)

Gifts / Flowers / Romance / Presents / I love you / Apologies / I want to make love to you / Going to church / Counseling



Cycle of Violence Honeymoon Phase

INSTRUCTOR NOTES:

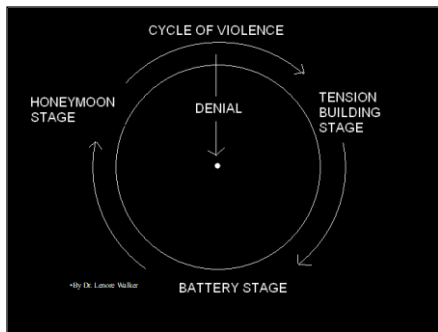
The instructor should heavily emphasize the points made on each phase of the cycle of violence. As a point made earlier in the program emphasize that this phase is not always present.

Honeymoon Phase

Victim Response	Batterer
Agrees to stay	Apologizes
Agrees to return	Brings presents / flowers
Agrees to take Batterer back	Says "I Love You"
Attempts to stop legal proceedings	Wants to make love
Setting up counseling	Promises to go to AA or NA
Feeling happy, hopeful	

THE CHILDREN ARE RARELY ADDRESSED, REMAIN BEWILDERED AND SOON ACCEPTING OF THE OCCURRENCE BECAUSE MOM DID!!

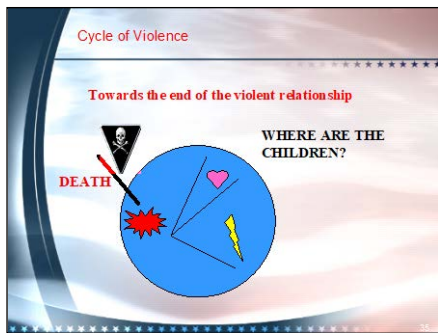
PSYCHY PROBLEMS? YOU THINK??



Cycle of Violence

INSTRUCTOR NOTES:

Here the instructor will emphasize that in the center of the cycle of violence is denial and as the circle gets smaller the offender truly believes nothing has been done or that a crime was actually committed.



CYCLE OF VIOLENCE

Cycle of Violence

Law Enforcement Intervention? YES

Community Intervention? Yes

In the middle of this cycle is denial!

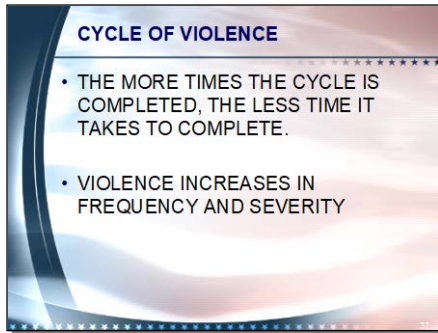
Can we help?

YES!! WE NEED TO BREAK THIS CYCLE!!

INSTRUCTOR NOTES:

Emphasis on the fact that the community which includes the courts, the community in general, prosecutors, defense attorneys, advocates and such need to collectively address the problem. Together, (WE) can break the cycle of violence! Inform the class that they will now learn of the Duluth Model which has worked great for that state because everyone collectively participates.

[illegible]



THE MORE TIMES THE CYCLE IS COMPLETED, THE LESS TIME IT TAKES TO COMPLETE.

VIOLENCE INCREASES IN FREQUENCY AND SEVERITY



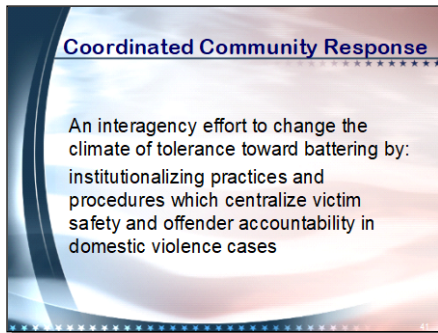
Coordinated Community Response



INSTRUCTOR NOTES:

This slide reflects a community oriented response to domestic violence whereas the “community”, i.e.: jails, law enforcement, prosecutors, courts, probation supported by non-violence education, working together, support the nucleus of the response which should be “Intervention projects and shelters” which are the core of assistance.

[illegible]

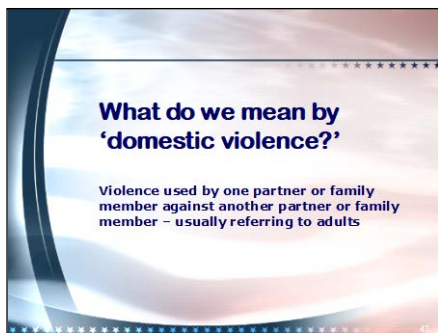


Coordinated Community Response
An interagency effort to change the climate of tolerance toward battering by: institutionalizing practices and procedures which centralize victim safety and offender accountability in domestic violence cases

Context of Criminal Justice Reform

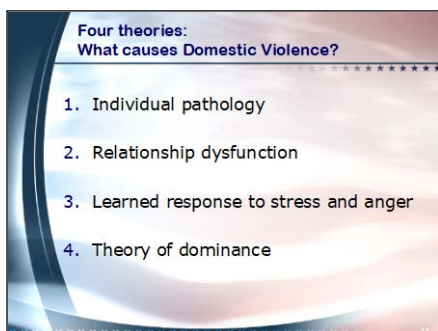
Characteristic of crime/offender	Structure of System	Social and Historical Influences
<ul style="list-style-type: none"> •Ongoing pattern of abuse •Offender has power over victim •Complex relationship •Ongoing access to victim •Offenders often retaliate 	<ul style="list-style-type: none"> •Slow •Highly specialized •Adversarial •Incident-focused •Paper driven •Decentralized authority •Inadequate links •Minimization of dangerousness 	<ul style="list-style-type: none"> •Debate on role of state in family •Historic male authority •System has different relationship to different classes •Tendency to individualize •Victim-blaming theories •History of due process for offenders

Context of Criminal Justice Reform



What do we mean by 'domestic violence?'

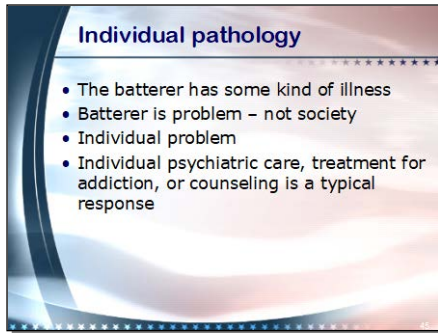
Violence used by one partner or family member against another partner or family member – usually referring to adults



Four theories:
What causes Domestic Violence?

- Individual pathology
- Relationship dysfunction
- Learned response
- Theory of dominance

[illegible]



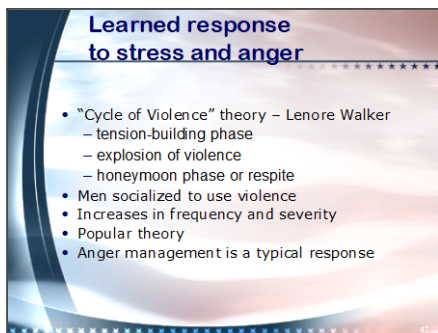
Individual pathology

- The batterer has some kind of illness
- Batterer is problem – not society
- Individual problem
- Individual psychiatric care, treatment for addiction, or counseling is a typical response



Relationship dysfunction

- 'It takes two to tango'
- Couple is playing off of each other
- Either could stop the violence
- Both parties are responsible
- Couple counseling, or relationship counseling separately, is needed

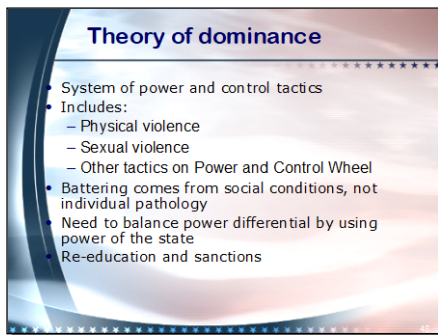


Learned response to stress and anger

- "Cycle of Violence" theory – Lenore Walker
 - ☒ tension-building phase
 - ☒ explosion of violence
 - ☒ honeymoon phase or relief
- Men socialized to use violence
- Increases in frequency and severity
- Popular theory
- Anger management is a typical response

INSTRUCTOR NOTES:

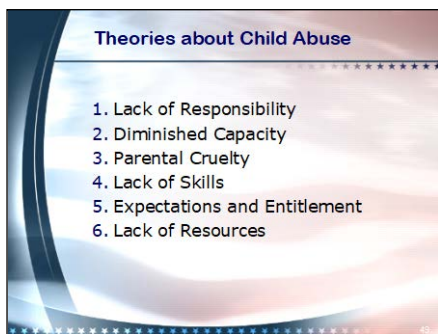
Here remind the students that although Dr. Lenore Walkers' theory is valid the Duluth model finds that it doesn't always exist in the circle of violence. Remorse or relief is not always there and the circle continues.



Theory of dominance

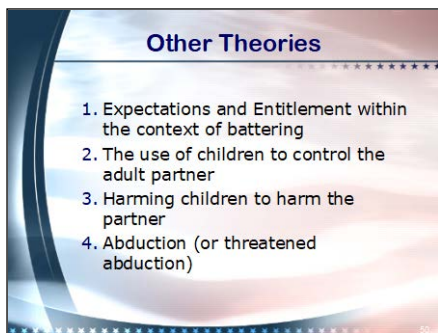
System of power and control tactics

- Includes:
 - Physical violence
 - Sexual violence
 - Other tactics on Power and Control Wheel
- Battering comes from social conditions, not individual pathology
- Need to balance power differential by using power of the state
- Re-education and sanctions



Theories about Child Abuse

- Lack of Responsibility
- Diminished Capacity
- Parental Cruelty
- Lack of Skills
- Expectations and Entitlement
- Lack of Resources



Other Theories

- Expectations and Entitlement within the context of battering
- The use of children to control the adult partner
- Harming children to harm the partner
- Abduction (or threatened abduction)

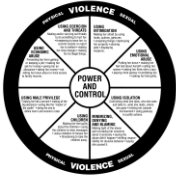


The use of violence in an intimate relationship has different intents:

- Battering – intends to control the relationship
- Resistive violence – intends to stop the battering
- Situational violence – intends to control a situation
- Pathological violence – intent is controlled to some degree by pathology

Battering

- System of power and control
- Includes:
 - Fear
 - Threats
 - Intimidation
 - Coercion
- Battering tactics
- Social movement



Battering - System of power and control

Includes:

- Fear
- Threats
- Intimidation
- Coercion

Battering tactics

Social movement

Resistive Violence

- Substantial numbers of victims of battering use force against the batterer
- May not legally qualify as self-defense
- Victim's violence usually different
- Less sympathy from practitioners
- Different impact – individual and social

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Situational

- The violence is related to a situation
- Not part of a larger system of controlling tactics
- No pattern of dominance
- Battering looks like this if the pattern is invisible

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Pathological

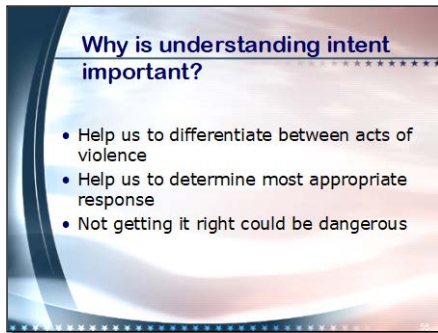
- Violence is due to some kind of illness
 - Mental health
 - Alcohol
 - Drugs
 - Brain injury
- Not typically part of system of controlling tactics

Because a person's violence is linked to a pathology does not preclude that its intent can also be to batter, to resist battering, or to control a situation

Pathological

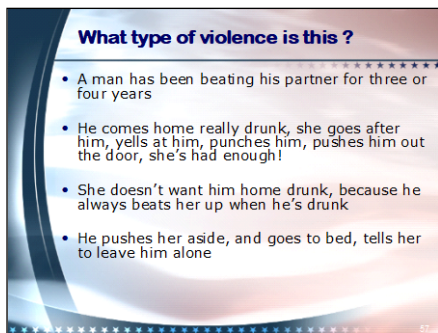
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[illegible]



Why is understanding intent important?

Help us to differentiate between acts of violence
Help us to determine most appropriate response
Not getting it right could be dangerous



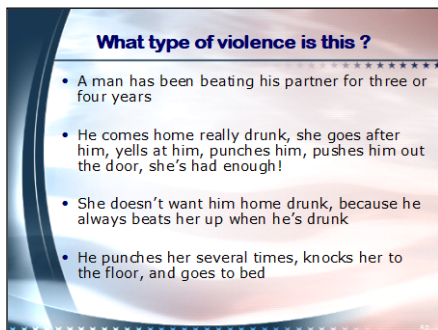
What type of violence is this?

A man has been beating his partner for three or four years

He comes home really drunk, she goes after him, yells at him, punches him, pushes him out the door, she's had enough!

She doesn't want him home drunk, because he always beats her up when he's drunk

He pushes her aside, and goes to bed, tells her to leave him alone



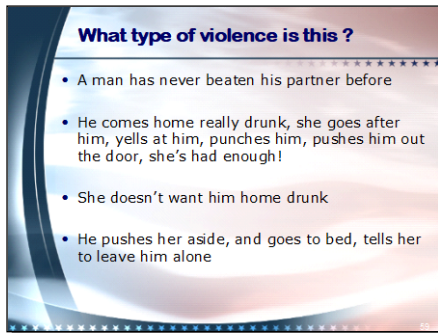
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He comes home really drunk, she goes after him, yells at him, punches him, pushes him out the door, she's had enough!

She doesn't want him home drunk, because he always beats her up when he's drunk

He punches her several times, knocks her to the floor, and goes to bed

[illegible]



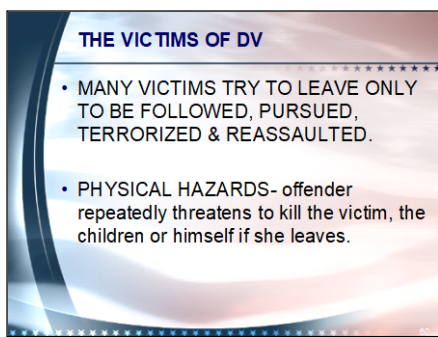
What type of violence is this ?

A man has never beaten his partner before

He comes home really drunk, she goes after him, yells at him, punches him, pushes him out the door, she's had enough!

She doesn't want him home drunk

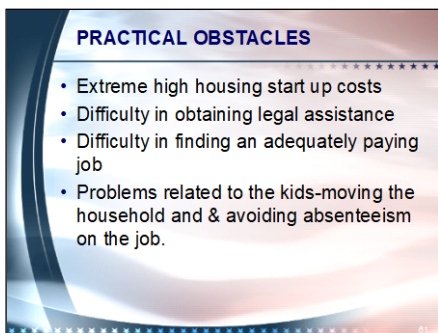
He pushes her aside, and goes to bed, tells her to leave him alone



THE VICTIMS OF DV

MANY VICTIMS TRY TO LEAVE ONLY TO BE FOLLOWED, PURSUED, TERRORIZED & REASSAULTED.

PHYSICAL HAZARDS- offender repeatedly threatens to kill the victim, the children or himself if she leaves.



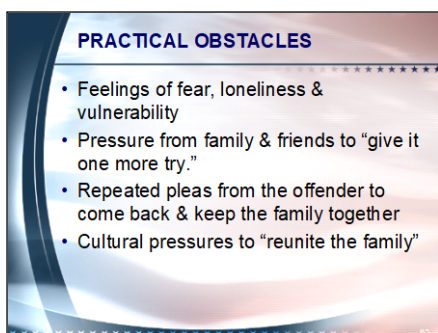
PRACTICAL OBSTACLES

Extreme high housing start up costs

Difficulty in obtaining legal assistance

Difficulty in finding an adequately paying job

Problems related to the kids-moving the household and & avoiding absenteeism on the job.



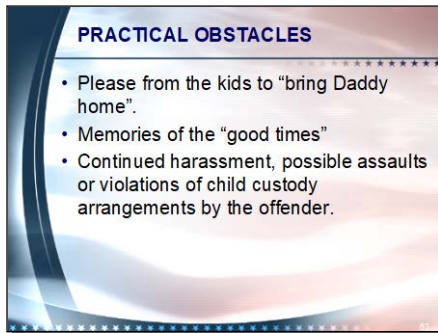
PRACTICAL OBSTACLES

Feelings of fear, loneliness & vulnerability

Pressure from family & friends to "give it one more try."

Repeated pleas from the offender to come back & keep the family together

Cultural pressures to "reunite the family"

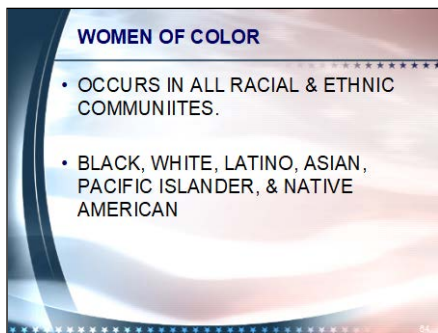


PRACTICAL OBSTACLES

Please from the kids to “bring Daddy home”.

Memories of the “good times”

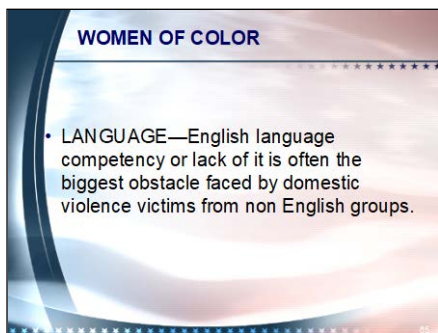
Continued harassment, possible assaults or violations of child custody arrangements by the offender



WOMEN OF COLOR

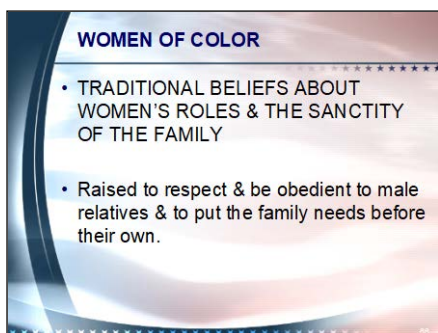
OCCURS IN ALL RACIAL & ETHNIC COMMUNITIES

BLACK, WHITE, LATINO, ASIAN, PACIFIC ISLANDER, & NATIVE AMERICAN



WOMEN OF COLOR

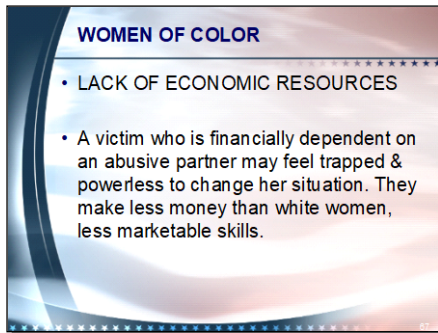
LANGUAGE—English language competency or lack of it is often the biggest obstacle faced by domestic violence victims from non English groups.



WOMEN OF COLOR

TRADITIONAL BELIEFS ABOUT WOMEN'S ROLES & THE SANCTITY OF THE FAMILY

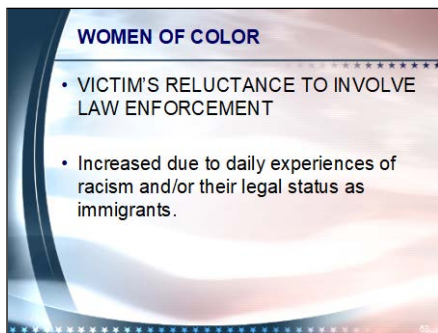
Raised to respect & be obedient to male relatives & to put the family needs before their own.



WOMEN OF COLOR

LACK OF ECONOMIC RESOURCES

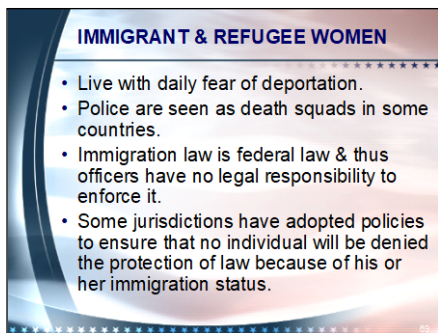
A victim who is financially dependent on an abusive partner may feel trapped & powerless to change her situation. They make less money than white women, less marketable skills.



WOMEN OF COLOR

VICTIM'S RELUCTANCE TO INVOLVE LAW ENFORCEMENT

Increased due to daily experiences of racism and/or their legal status as immigrants



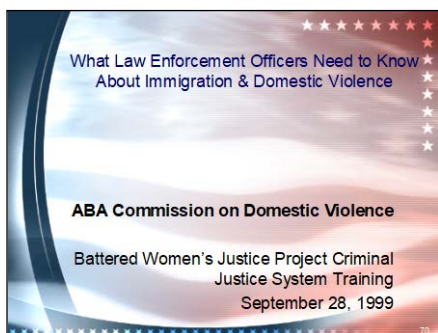
IMMIGRANT & REFUGEE WOMEN

Live with daily fear of deportation.

Police are seen as death squads in some countries.

Immigration law is federal law & thus officers have no legal responsibility to enforce it.

Some jurisdictions have adopted policies to ensure that no individual will be denied the protection of law because of his or her immigration status.



What Law Enforcement Officers Need to Know About Immigration & Domestic Violence ABA Commission on Domestic Violence

Battered Women's Justice Project Criminal Justice System
Training
September 28, 1999

Rights of Non-Citizens

- in the criminal context:
 - non-citizens have the same rights as citizens -- search & seizure, due process, civil rights
- in the immigration context:
 - non-citizens have the right against illegal search & seizure by INS, the right to a hearing, the right to an attorney, etc.

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Who Enforces Immigration Law?

- local courts and law enforcement officers have no authority to enforce the non-criminal provisions of the Immigration & Nationality Act
- no requirement that a victim or witness state place of birth or immigration status when filing a complaint or a police report

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Why Should Police Avoid Enforcing Immigration Law?

- enforcing immigration law will cause immigrant communities to mistrust law enforcement
- victim or abuser's deportation will not make abuser accountable for crime
- if victim is unable to apply for VAWA relief and is deported, she may be in worse danger
- deportation will create a class of future domestic violence perpetrators -- victims will refuse to come forward and report the abuse so abusers will get away with criminal conduct

Why Should Police Avoid Enforcing Immigration Law?

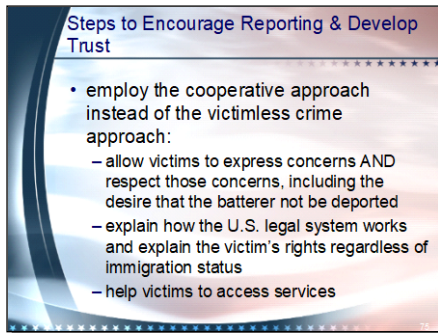
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Steps to Encourage Reporting & Develop Trust

- make it known in the community that police and prosecutors will not ask about immigration status
- assure victims that police and prosecutors will not contact INS
- if you suspect that a victim is a non-citizen, provide her with information about local agencies that can help her
- hire multi-cultural and multi-lingual staff

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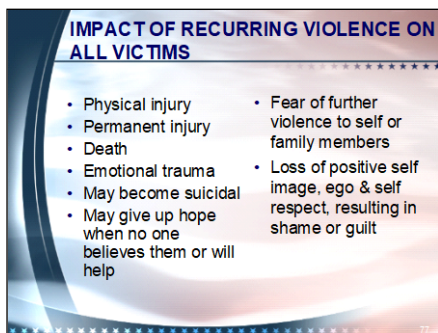
Steps to Encourage Reporting & Develop Trust

- employ the cooperative approach instead of the victimless crime approach:
- allow victims to express concerns AND respect those concerns, including the desire that the batterer not be deported
- explain how the U.S. legal system works and explain the victim's rights regardless of immigration status
- help victims to access services



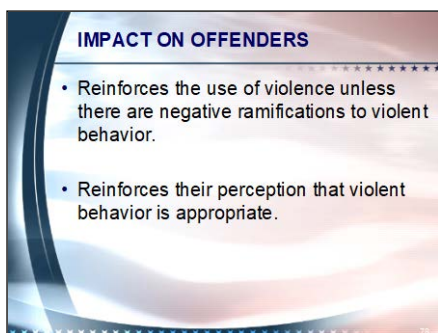
Steps to Encourage Reporting & Develop Trust

- adopt policies concerning inquiring about status and reporting to INS
- partner with immigration communities to address concerns and tailor policies to meet their concerns and your goals
- establish a liaison with immigrant communities
- consider and acknowledge the seriousness of deportation



IMPACT OF RECURRING VIOLENCE ON ALL VICTIMS

- Physical injury - Fear of further violence to self or family members
- Permanent injury - Loss of positive self image, ego & self respect, resulting in shame or guilt
- Death
- Emotional trauma
- May become suicidal
- May give up hope when no one believes them or will help



IMPACT ON OFFENDERS

Reinforces the use of violence unless there are negative ramifications to violent behavior

Reinforces their perception that violent behavior is appropriate

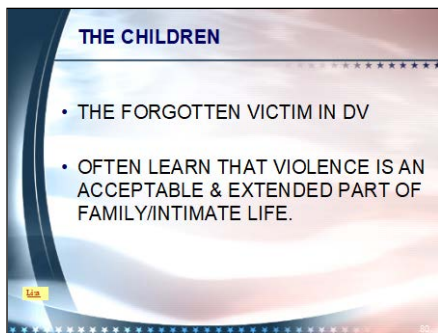


OFFENDERS

Reluctant to admit the extent of violence

Develop inappropriate responses to their violent behavior

- alcohol
- drugs
- blame others
- avoid responsibilities

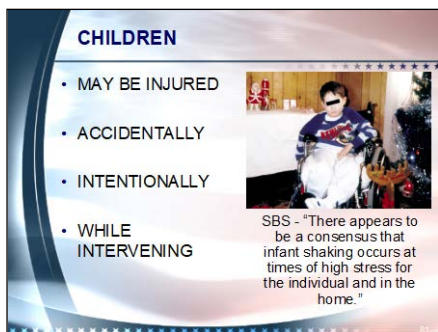


THE CHILDREN - THE FORGOTTEN VICTIM IN DV

OFTEN LEARN THAT VIOLENCE IS AN ACCEPTABLE & EXTENDED PART OF FAMILY/INTIMATE LIFE.

INSTRUCTOR NOTES:

This slide contains a hyperlink to and audio clip of a 911 call from "Lisa" who is a 6 year old calling about her parents having a fight. After being heard stress her age and that she doesn't sound her age, stress what she says, such as; "this has been going on for a long, long, time". Talk about the fact that her father is her stepfather who is black and more than likely raised differently than the mother. Talk about why it is important to know the make up of the household to ensure the appropriate response is prepared for.

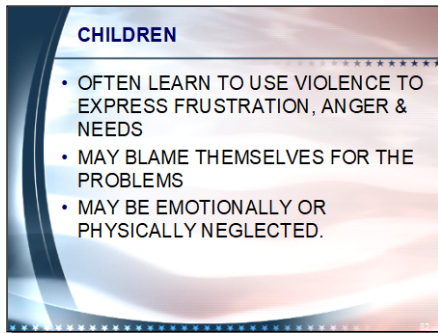


CHILDREN

- MAY BE INJURED
- ACCIDENTALLY
- INTENTIONALLY
- WHILE INTERVENING

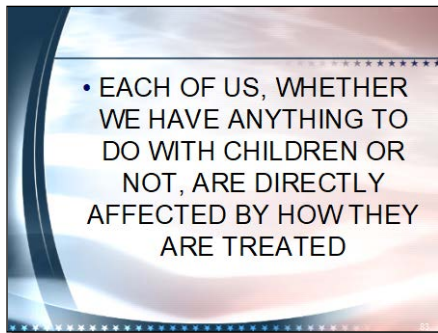
INSTRUCTOR NOTES:

Here stress that the smaller children many a times are shaken when they are crying. Stress that the crying tends to aggravate matters and as a result the child is (could be) seriously injured or die as a result of brain damages. (Shaken Baby Alliance) shakenbaby.com

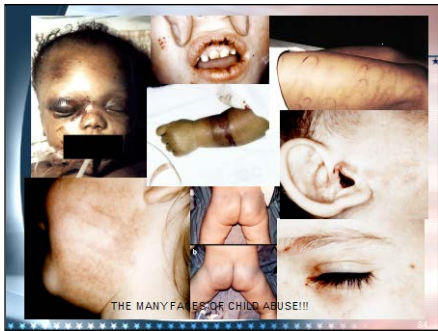


CHILDREN

- OFTEN LEARN TO USE VIOLENCE TO EXPRESS FRUSTRATION, ANGER & NEEDS
- MAY BLAME THEMSELVES FOR THE PROBLEMS
- MAY BE EMOTIONALLY OR PHYSICALLY NEGLECTED.



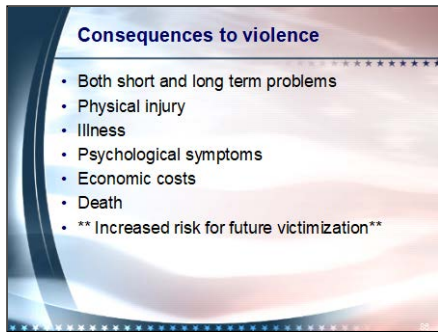
EACH OF US, WHETHER WE HAVE ANYTHING TO DO WITH CHILDREN OR NOT, ARE DIRECTLY AFFECTED BY HOW THEY ARE TREATED



INSTRUCTOR NOTES:

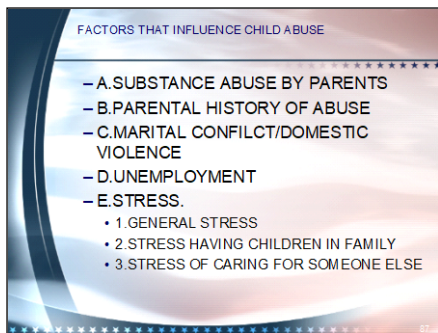
Stress the importance to not overlook the possibility of "Child Abuse" even if they don't see physical injury. If the child is old enough and has seen domestic violence often the child may be suffering psychological problems or related illness. Contact your children, youth and family services if there is any question.





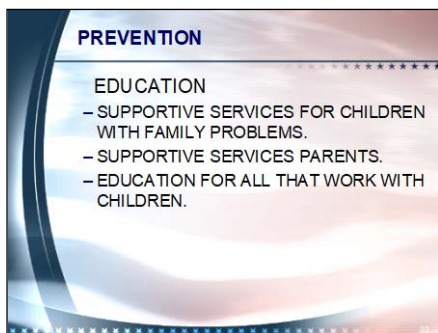
Consequences to violence

- Both short and long term problems
 - Physical injury
 - Illness
 - Psychological symptoms
 - Economic costs
 - Death
- ** Increased risk for future victimization**



FACTORS THAT INFLUENCE CHILD ABUSE

- A. SUBSTANCE ABUSE BY PARENTS
- B. PARENTAL HISTORY OF ABUSE
- C. MARITAL CONFLICT/DOMESTIC VIOLENCE
- D. UNEMPLOYMENT
- E. STRESS.
 - 1. GENERAL STRESS
 - 2. STRESS HAVING CHILDREN IN FAMILY
 - 3. STRESS OF CARING FOR SOMEONE ELSE



PREVENTION

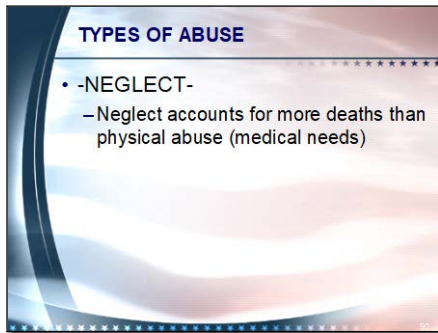
EDUCATION

- SUPPORTIVE SERVICES FOR CHILDREN WITH FAMILY PROBLEMS.
- SUPPORTIVE SERVICES PARENTS.
- EDUCATION FOR ALL THAT WORK WITH CHILDREN.



INSTRUCTOR NOTES:

Continue to stress that abuse and neglect is not uncommon in homes of domestic violence and the importance of our proper response to what was traditionally known as a “family matter” has got to change!



TYPES OF ABUSE

-NEGLECT-

Neglect accounts for more deaths than physical abuse (medical needs)



TYPES OF ABUSE CONT.

-PHYSICAL-

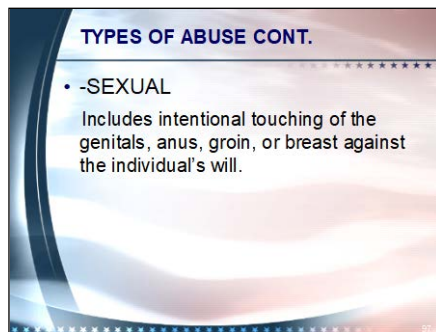
Physical abuse includes anything that results in physical harm.



TYPES OF ABUSE CONT.

-EMOTIONAL-

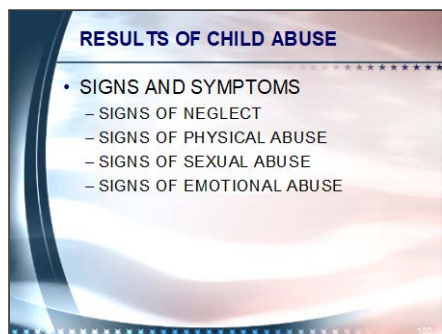
Emotional abuse includes intentional verbal or behavioral acts.



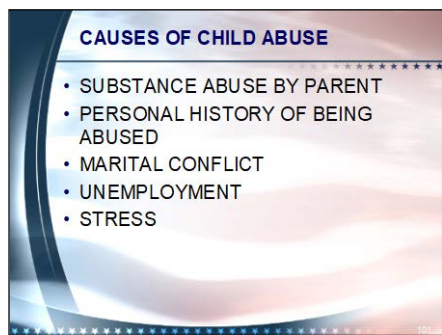
TYPES OF ABUSE CONT.

-SEXUAL

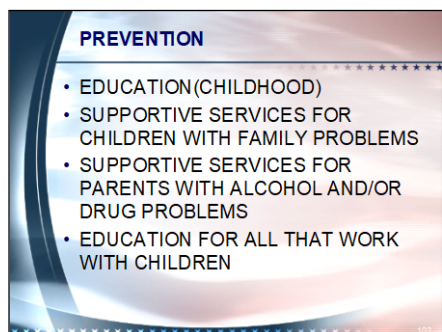
Includes intentional touching of the genitals, anus, groin, or breast against the individual's will.



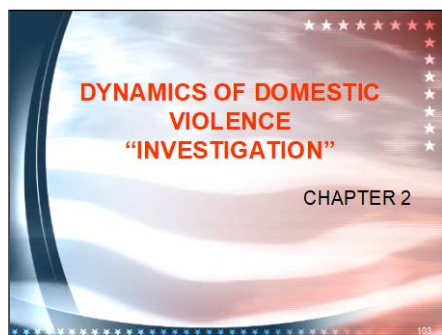
RESULTS OF CHILD ABUSE
SIGNS AND SYMPTOMS
SIGNS OF NEGLECT
SIGNS OF PHYSICAL ABUSE
SIGNS OF SEXUAL ABUSE
SIGNS OF EMOTIONAL ABUSE



CAUSES OF CHILD ABUSE
SUBSTANCE ABUSE BY PARENT
PERSONAL HISTORY OF BEING ABUSED
MARITAL CONFLICT
UNEMPLOYMENT
STRESS



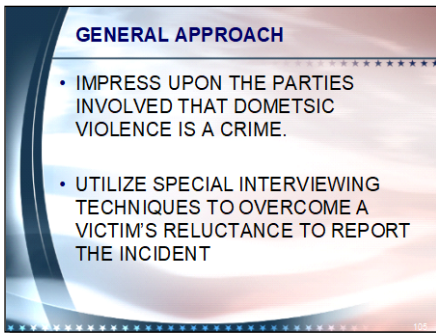
PREVENTION
EDUCATION(CHILDHOOD)
SUPPORTIVE SERVICES FOR CHILDREN WITH FAMILY PROBLEMS
SUPPORTIVE SERVICES FOR PARENTS WITH ALCOHOL AND/OR DRUG PROBLEMS
EDUCATION FOR ALL THAT WORK WITH CHILDREN



DYNAMICS OF DOMESTIC VIOLENCE
"INVESTIGATION"
CHAPTER 2



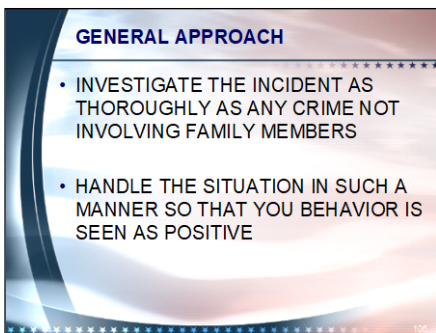
INVESTIGATION AND EVALUATION



GENERAL APPROACH

IMPRESS UPON THE PARTIES INVOLVED THAT DOMESTIC VIOLENCE IS A CRIME.

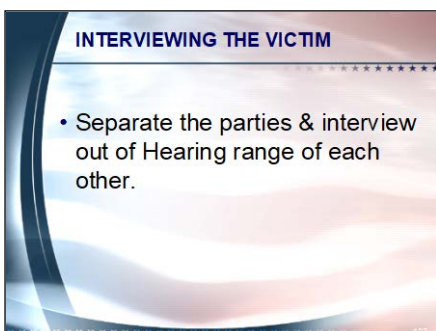
UTILIZE SPECIAL INTERVIEWING TECHNIQUES TO OVERCOME A VICTIM'S RELUCTANCE TO REPORT THE INCIDENT



GENERAL APPROACH

INVESTIGATE THE INCIDENT AS THOROUGHLY AS ANY CRIME NOT INVOLVING FAMILY MEMBERS

HANDLE THE SITUATION IN SUCH A MANNER SO THAT YOUR BEHAVIOR IS SEEN AS POSITIVE



INTERVIEWING THE VICTIM

SEPARATE THE PARTIES & INTERVIEW OUT OF HEARING RANGE OF EACH OTHER.

SEPARATE THE PARTIES

- TAKE THE VICTIM OUT OF HEARING RANGE & AWAY FROM EYE CONTACT WITH THE SUSPECT. THIS WILL DECREASE THE LIKELIHOOD THAT SHE WILL BE INTIMIDATED BY HIM.
- IT ALSO INCREASES THE LIKELIHOOD OF HER COOPERATION WITH YOU.

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KINDS OF QUESTIONS TO ASK

- BE SPECIFIC AND DIRECT
- CAN YOU TELL ME WHAT HAPPENED?
- YOU HAVE AN INJURY. IT LOOKS LIKE SOMEONE HIT YOU. WHO HIT YOU?
- HAS THIS PERSON EVER HIT YOU BEFORE?
- WHAT DID THE PERSON HIT YOU WITH?

KINDS OF QUESTIONS TO ASK

BE SPECIFIC AND DIRECT
CAN YOU TELL ME WHAT HAPPENED?
YOU HAVE AN INJURY. IT LOOKS LIKE SOMEONE HIT YOU.
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WHAT DID THE PERSON HIT YOU WITH?

QUESTIONS TO ASK

- WHERE ON YOUR BODY WERE YOU HIT?
- HOW MANY TIMES WERE YOU HIT?
- WAS AN INSTRUMENT USED? A SHOE, KNIFE, GUN, TELEPHONE CORD, ETC.
- WERE THERE ANY THREATS MADE AGAINST YOU?
- ARE THERE ANY WEAPONS IN THE HOUSE?

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WERE THERE ANY THREATS MADE AGAINST YOU?
ARE THERE ANY WEAPONS IN THE HOUSE?

BE AWARE OF YOUR BODY LANGUAGE

BODY LANGUAGE IS MORE OFTEN THAN NOT,
LOUDER THAN THE SPOKEN WORD!

BE AWARE OF YOUR BODY LANGUAGE

BE PATIENT

- REPEAT QUESTIONS IF THE VICTIM DOES NOT UNDERSTAND OR ANSWER THEM FULLY.
- USE SPECIFIC NON-ACCUSATORY QUESTIONS

BE PATIENT

REPEAT QUESTIONS IF THE VICTIM DOES NOT UNDERSTAND OR ANSWER THEM FULLY.
USE SPECIFIC NON-ACCUSATORY QUESTIONS

BE AWARE OF VICTIMS FEARS, EMBARRASSMENT & CONFUSION

- THIS MAY BE THE FIRST TIME SHE/HE HAS CALLED THE POLICE
- THE NEIGHBORS MAY HAVE CALLED THE POLICE & VICTIM WILL BE SURPRISED TO SEE YOU & EMBARRASSED AS WELL.

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BE AWARE OF

- THE VICTIM MAY NOT BE AWARE THAT THE ABUSE IS A CRIME
- YOU MAY BE ASKING THE VICTIM VERY PERSONAL QUESTIONS THAT NO ONE HAS ASKED BEFORE.

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RESPONDING TO VICTIM FEARS

- EMPHASIZE THAT THE VICTIM IS NOT RESPONSIBLE OR TO BE BLAMED FOR THE VIOLENCE.
- EXPLAIN THAT SHE IS SAFE WHILE YOU ARE PRESENT & THAT THE POLICE ARE HERE TO HELP HER/HIM.
- TELL THE VICTIM THAT SHE IS NOT "ALONE" & THIS HAPPENS UNFORTUNATELY TO MANY WOMEN

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MOBILIZE & ENCOURAGE VICTIMS

- REMIND VICTIMS THAT A CRIME HAS OCCURRED & THAT THEY HAVE A RIGHT TO BE FREE FROM ABUSE
- TELL THEM ABOUT COURT-MANDATED COUNSELING & OTHER PROGRAMS THAT MAY ABLE TO DECREASE OR END THE OFFENDERS DESTRUCTIVE BEHAVIOR.

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MOBILIZE AND ENCOURAGE VICTIMS

- LET VICTIM KNOW THAT THERE ARE PROGRAMS TO HELP PEOPLE IN THEIR SITUATIONS.
- REITERATE THAT THEY ALONE CANNOT SOLVE A PARTNER'S PROBLEMS

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- INFORM THE VICTIM THAT DOMESTIC VIOLENCE USUALLY REOCCURS & GETS WORSE UNLESS THERE IS SOME FORM OF INTERVENTION.
- LET THE VICTIM KNOW THAT SHE IS NOT HELPING THE ABUSER IF SHE COVERS UP THE PROBLEM.

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EXPLAIN CRIMINAL JUSTICE OPTIONS

- THERE ARE MANY OPTIONS TO INCLUDE DOMESTIC VIOLENCE DIVERSION PROGRAMS, SUBSTANCE ABUSE TREATMENT, PROBATION, SUSPENDED SENTENCE.

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GATHER RELEVANT HISTORICAL INFORMATION

- HAS THIS EVER HAPPENED BEFORE?
- WHAT WAS THE WORST INCIDENT? HAS A WEAPON EVER BEEN USED?
- HAS THE SUSPECT EVER BEEN ARRESTED FOR HURTING YOU?
- HAVE YOU EVER BEEN TREATED BY A DOCTOR OR HOSPITALIZED FOR INJURIES INFLICTED BY OFFENDER

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INQUIRING ABOUT PAST VIOLENCEWILL AID YOU IN DECIDING:

- 1. HOW DANGEROUS THE SITUATION IS.
- 2. WHETHER TO BOOK OR CITE
- 3. WHAT CHARGES TO USE
- 4. WHETHER OR NOT THE CHILDREN ARE SAFE.
- 5. WHETHER EMERGENCY HOUSING SHOULD BE SOUGHT FOR VICTIMS SAFETY

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FIND OUT RELATIONSHIP STATUS

- IF THE PARTIES ARE LIVING TOGETHER, ASK IF SO FOR HOW LONG?
- ARE THE PARTIES MARRIED?
- ANY CHILDREN FROM THE UNION?

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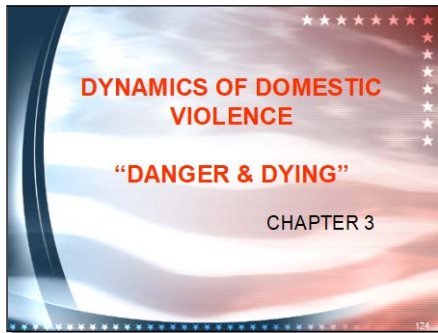
FIND OUT RELATIONSHIP STATUS

- IF THE PARTIES ARE SEPARATED OR DIVORCED, ASK HOW LONG AGO DID THEY SEPARATE? HAS THEIR DIVORCE BEEN FINALIZED? HAVE THEY ESTABLISHED SEPARATE RESIDENCES?
- TRY TO GET A TAPED STATEMENT AT THE SCENE

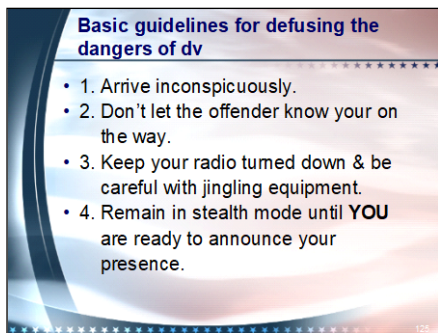
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DYNAMICS OF DOMESTIC VIOLENCE



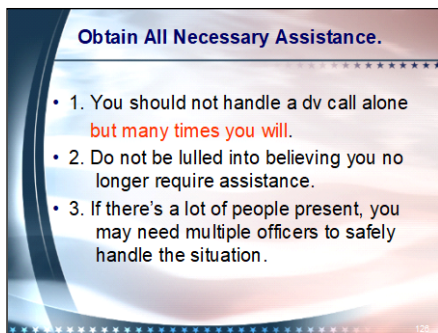
"DANGER & DYING" CHAPTER 3



Basic guidelines for defusing the dangers of DV

- 1. Arrive inconspicuously.
- 2. Don't let the offender know your on the way.
- 3. Keep your radio turned down & be careful with jingling equipment.
- 4. Remain in stealth mode until **YOU** are ready to announce your presence.

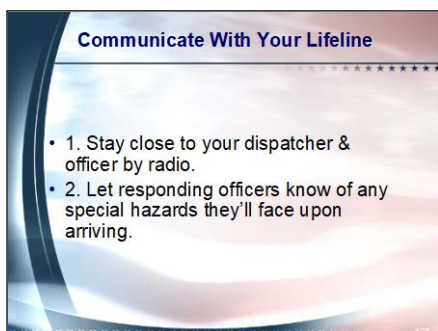
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Obtain All Necessary Assistance.

- 1. You should not handle a dv call alone **but many times you will.**
- 2. Do not be lulled into believing you no longer require assistance.
- 3. If there's a lot of people present, you may need multiple officers to safely handle the situation.

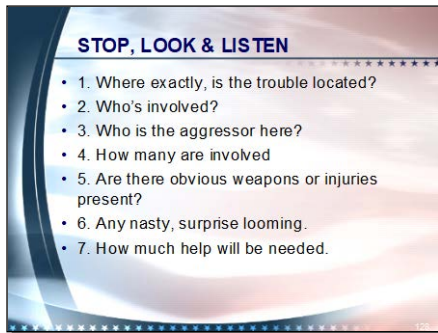
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Communicate With Your Lifeline

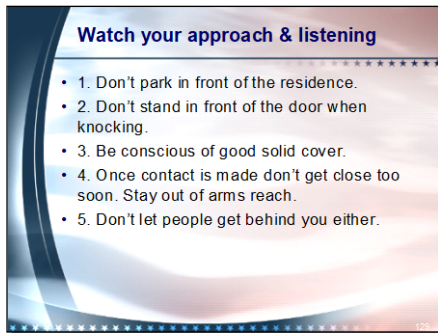
- 1. Stay close to your dispatcher & officer by radio.
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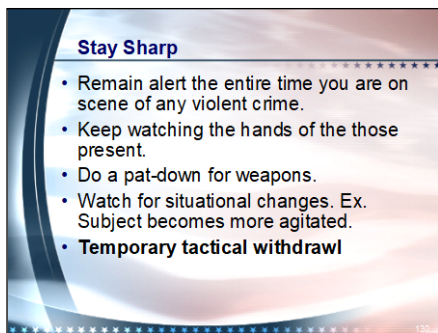
STOP, LOOK & LISTEN

1. Where exactly, is the trouble located?
2. Who's involved?
3. Who is the aggressor here?
4. How many are involved
5. Are there obvious weapons or injuries present?
6. Any nasty, surprise looming.
7. How much help will be needed.



Watch your approach & listening

1. Don't park in front of the residence.
2. Don't stand in front of the door when knocking.
3. Be conscious of good solid cover.
4. Once contact is made don't get close too soon. Stay out of arms reach.
5. Don't let people get behind you either.



Stay Sharp

Remain alert the entire time you are on scene of any violent crime.
Keep watching the hands of those present.
Do a pat-down for weapons.
Watch for situational changes. Ex. Subject becomes more agitated.
Temporary tactical withdrawal



Separate your problems

Keep the involved beyond each others reach.
Keep them apart until you have taken whatever action you decide to take .
Get friends, relatives, & other potential allies out of the immediate vicinity.
Watch the audience as you watch your backs.

ACT DECISIVELY & LEAVE

- Obvious uncertainty & hesitation could tell the offender you may be an easy mark for attack.
- Be fair, but firm.
- Don't make idle threats or promises.
- Once your prisoner is properly cuffed & searched, get him & yourself out of the area.

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- Do not loiter outside to gab or remain parked near the address to start your paperwork.
- Lingering there could bring you more trouble if a friend of the arrestee shows.
- Save the secretarial work until you are on safer ground.

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FOLLOW GOOD PRISONER-HANDLING PRACTICES

- One thing you do know about your dv arrestee: He/she is willing & quite able to inflict violence.
- Keep watching him for a new threat or sudden surprise.
- Think **SAFETY & SURVIVAL** throughout your handling of a potentially dangerous individual.

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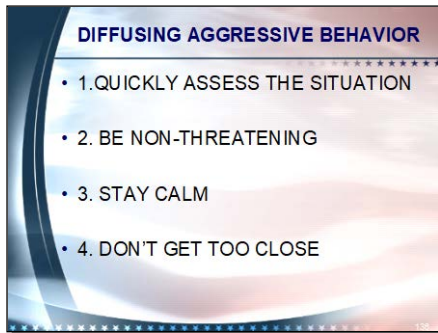
STAY EMOTIONALLY HEALTHY

- Police seldom draw much praise from the participants in domestic squabbles.
- In place of external praise, the smart officer will draw inner satisfaction from knowing that he did the best job possible of restoring calm, while protecting innocent & bringing a violent offender to justice.

STAY EMOTIONALLY HEALTHY

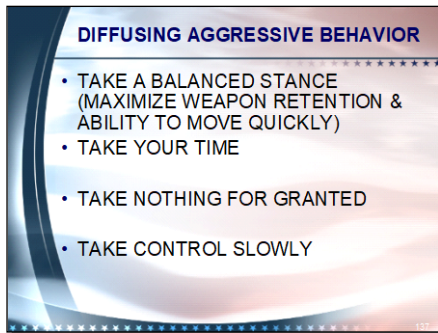
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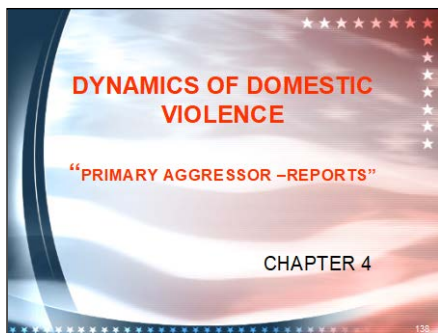
DIFFUSING AGGRESSIVE BEHAVIOR

1. QUICKLY ASSESS THE SITUATION
2. BE NON-THREATENING
3. STAY CALM
4. DON'T GET TOO CLOSE



DIFFUSING AGGRESSIVE BEHAVIOR

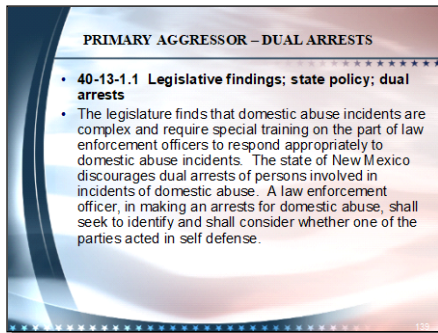
- TAKE A BALANCED STANCE (MAXIMIZE WEAPON RETENTION & ABILITY TO MOVE QUICKLY)
- TAKE YOUR TIME
- TAKE NOTHING FOR GRANTED
- TAKE CONTROL SLOWLY



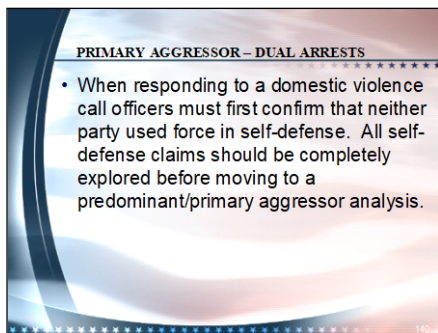
DYNAMICS OF DOMESTIC VIOLENCE

"PRIMARY AGGRESSOR -REPORTS"

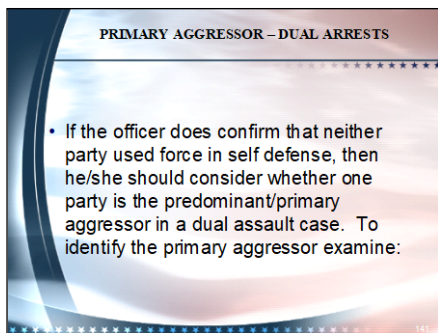
CHAPTER 4



40-13-1.1 Legislative findings; state policy; dual arrests
The legislature finds that domestic abuse incidents are complex and require special training on the part of law enforcement officers to respond appropriately to domestic abuse incidents. The state of New Mexico discourages dual arrests of persons involved in incidents of domestic abuse. A law enforcement officer, in making an arrests for domestic abuse, shall seek to identify and shall consider whether one of the parties acted in self defense.



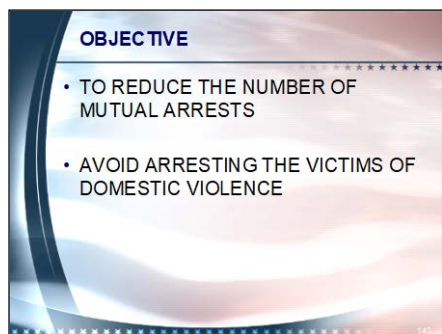
When responding to a domestic violence call officers must first confirm that neither party used force in self-defense. All self-defense claims should be completely explored before moving to a predominant/primary aggressor analysis.



If the officer does confirm that neither party used force in self defense, then he/she should consider whether one party is the predominant/primary aggressor in a dual assault case. To identify the primary aggressor examine:



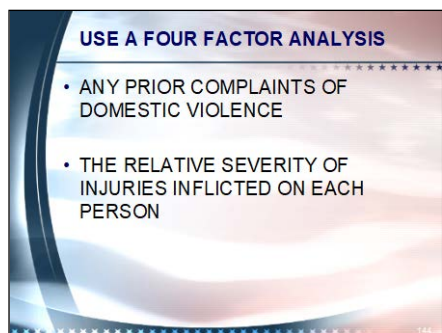
PRIMARY AGGRESSOR ANALYSIS



OBJECTIVE

TO REDUCE THE NUMBER OF MUTUAL ARRESTS

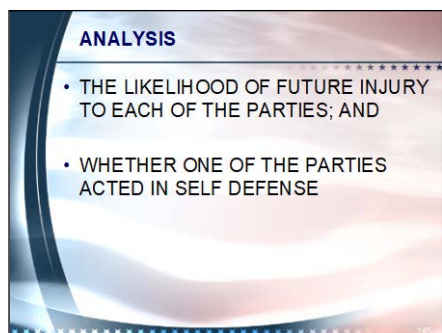
AVOID ARRESTING THE VICTIMS OF DOMESTIC VIOLENCE



USE A FOUR FACTOR ANALYSIS

ANY PRIOR COMPLAINTS OF DOMESTIC VIOLENCE

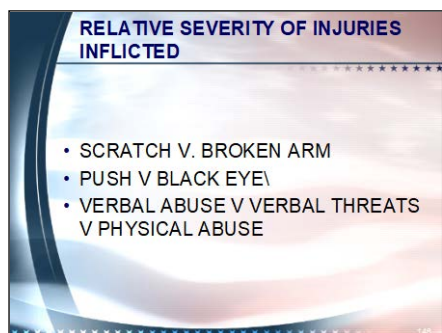
THE RELATIVE SEVERITY OF INJURIES INFLICTED ON EACH PERSON



ANALYSIS

THE LIKELIHOOD OF FUTURE INJURY TO EACH OF THE PARTIES; AND

WHETHER ONE OF THE PARTIES ACTED IN SELF DEFENSE



RELATIVE SEVERITY OF INJURIES INFLICTED

SCRATCH V. BROKEN ARM

PUSH V BLACK EYE

VERBAL ABUSE V VERBAL THREATS V PHYSICAL ABUSE

LIKELIHOOD OF FUTURE INJURY TO EACH PERSON

- HE IS 6'5 & WEIGHS 250 LBS.
- SHE IS 5'6 & WEIGHS 125 LBS.
- LOGICAL CONCLUSIONS

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LOGICAL CONCLUSIONS

ONE PARTY ACTED IN SELF DEFENSE

- JUSTIFIED IN THREATENING OR USING FORCE TO THE EXTENT THAT HE/SHE REASONABLY BELIEVES THAT FORCE IS NECESSARY
- IMMINENT USE OF UNLAWFUL FORCE

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IMMINENT USE OF UNLAWFUL FORCE

SELF DEFENSE ISSUES

- MAY CONSIDER
- NATURE OF THE DANGER
- IMMEDIACY OF THE DANGER
- PROBABILITY UNLAWFUL FORCE WOULD RESULT IN DEATH OR SERIOUS BODILY INJURY

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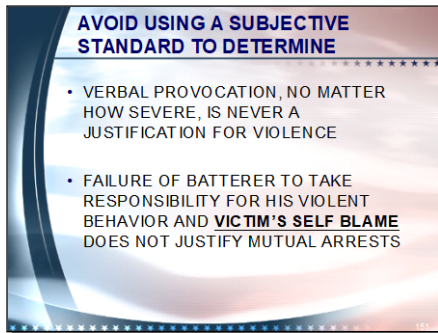
AVOID USING A SUBJECTIVE STANDARD TO DETERMINE

- MEN DO NOT HAVE THE RIGHT TO "DISCIPLINE" THEIR SPOUSES FOR BEHAVIOR NOT APPROVED OF
- MOST STUDIES AGREE-MUTUAL COMBAT OR PROVOCATION IS NOT THE CAUSE OF DOMESTIC VIOLENCE

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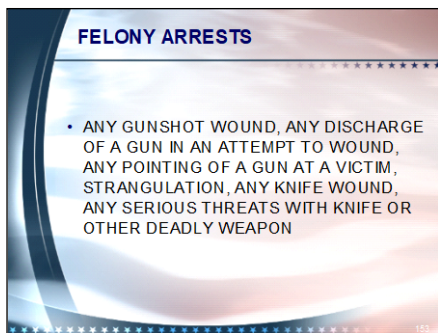
VERBAL PROVOCATION, NO MATTER HOW SEVERE, IS NEVER A JUSTIFICATION FOR VIOLENCE

FAILURE OF BATTERER TO TAKE RESPONSIBILITY FOR HIS VIOLENT BEHAVIOR AND VICTIM'S SELF BLAME DOES NOT JUSTIFY MUTUAL ARRESTS



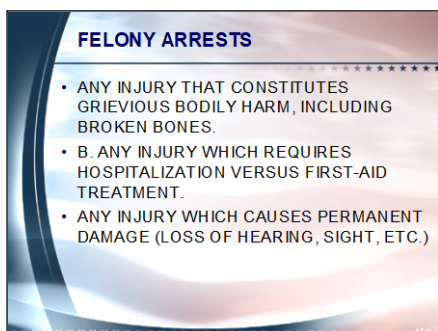
ARREST DECISION

IN DOMESTIC VIOLENCE CASES



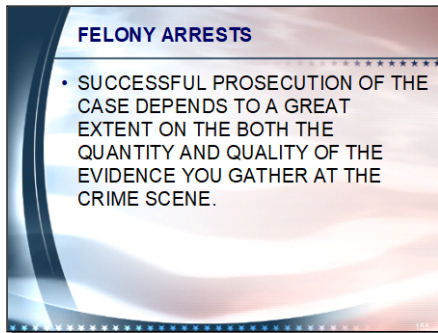
FELONY ARRESTS

ANY GUNSHOT WOUND, ANY DISCHARGE OF A GUN IN AN ATTEMPT TO WOUND, ANY POINTING OF A GUN AT A VICTIM, STRANGULATION, ANY KNIFE WOUND, ANY SERIOUS THREATS WITH KNIFE OR OTHER DEADLY WEAPON



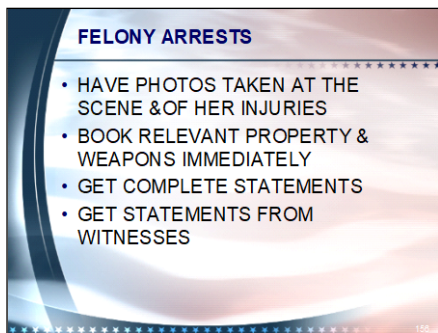
FELONY ARRESTS

ANY INJURY THAT CONSTITUTES GRIEVOUS BODILY HARM, INCLUDING BROKEN BONES.
B. ANY INJURY WHICH REQUIRES HOSPITALIZATION VERSUS FIRST-AID TREATMENT.
ANY INJURY WHICH CAUSES PERMANENT DAMAGE (LOSS OF HEARING, SIGHT, ETC.)



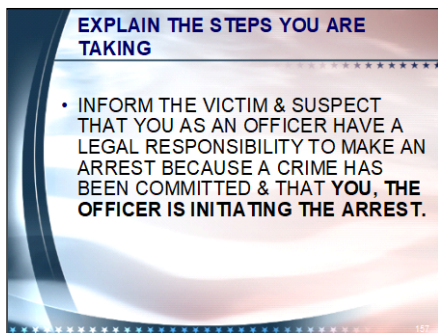
FELONY ARRESTS

SUCCESSFUL PROSECUTION OF THE CASE DEPENDS TO A GREAT EXTENT ON THE BOTH THE QUANTITY AND QUALITY OF THE EVIDENCE YOU GATHER AT THE CRIME SCENE.



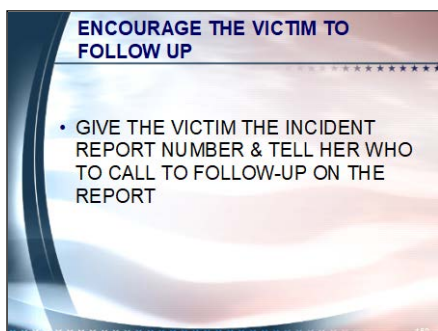
FELONY ARRESTS

HAVE PHOTOS TAKEN AT THE SCENE & OF HER INJURIES
BOOK RELEVANT PROPERTY & WEAPONS IMMEDIATELY
GET COMPLETE STATEMENTS
GET STATEMENTS FROM WITNESSES



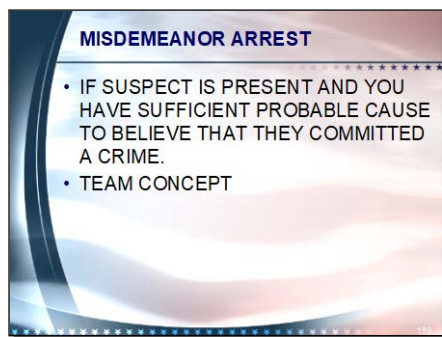
EXPLAIN THE STEPS YOU ARE TAKING

INFORM THE VICTIM & SUSPECT THAT YOU AS AN OFFICER HAVE A LEGAL RESPONSIBILITY TO MAKE AN ARREST BECAUSE A CRIME HAS BEEN COMMITTED & THAT YOU, THE OFFICER IS INITIATING THE ARREST.



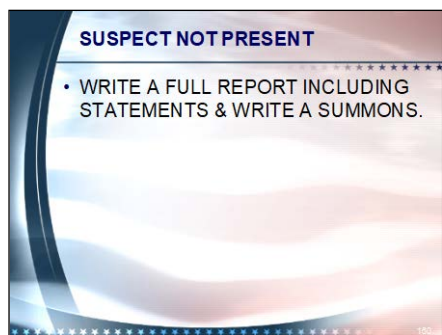
ENCOURAGE THE VICTIM TO FOLLOW UP

GIVE THE VICTIM THE INCIDENT REPORT NUMBER & TELL HER WHO TO CALL TO FOLLOW-UP ON THE REPORT



MISDEMEANOR ARREST

IF SUSPECT IS PRESENT AND YOU HAVE SUFFICIENT PROBABLE CAUSE TO BELIEVE THAT THEY COMMITTED A CRIME.
TEAM CONCEPT

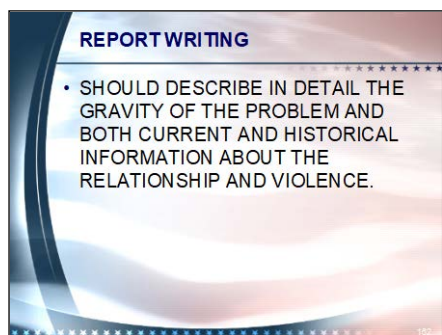


SUSPECT NOT PRESENT

WRITE A FULL REPORT INCLUDING STATEMENTS & WRITE A SUMMONS.

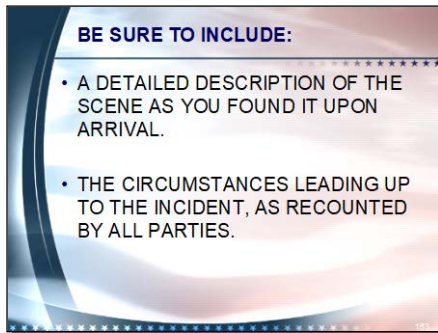


REPORT WRITING



REPORT WRITING

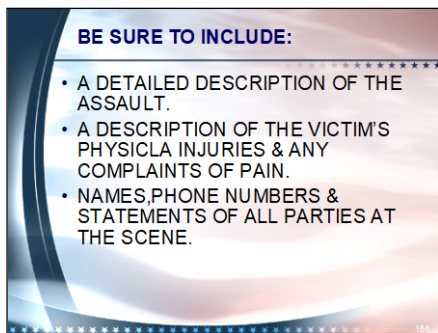
SHOULD DESCRIBE IN DETAIL THE GRAVITY OF THE PROBLEM AND BOTH CURRENT AND HISTORICAL INFORMATION ABOUT THE RELATIONSHIP AND VIOLENCE.



BE SURE TO INCLUDE:

A DETAILED DESCRIPTION OF THE SCENE AS YOU FOUND IT UPON ARRIVAL.

THE CIRCUMSTANCES LEADING UP TO THE INCIDENT, AS RECOUNTED BY ALL PARTIES.

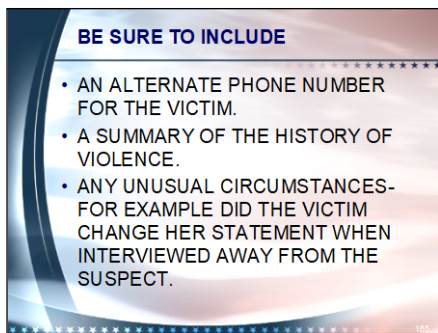


BE SURE TO INCLUDE:

A DETAILED DESCRIPTION OF THE ASSAULT.

A DESCRIPTION OF THE VICTIM'S PHYSICAL INJURIES & ANY COMPLAINTS OF PAIN.

NAMES, PHONE NUMBERS & STATEMENTS OF ALL PARTIES AT THE SCENE.



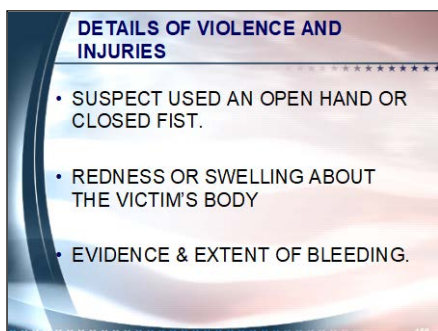
BE SURE TO INCLUDE

AN ALTERNATE PHONE NUMBER FOR THE VICTIM.

A SUMMARY OF THE HISTORY OF VIOLENCE.

ANY UNUSUAL CIRCUMSTANCES-

FOR EXAMPLE DID THE VICTIM CHANGE HER STATEMENT WHEN INTERVIEWED AWAY FROM THE SUSPECT.

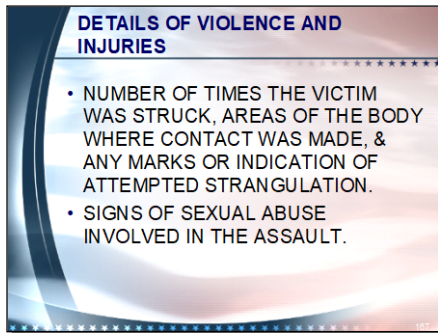


DETAILS OF VIOLENCE AND INJURIES

SUSPECT USED AN OPEN HAND OR CLOSED FIST.

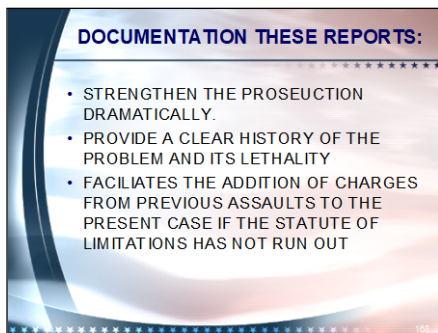
REDNESS OR SWELLING ABOUT THE VICTIM'S BODY

EVIDENCE & EXTENT OF BLEEDING.



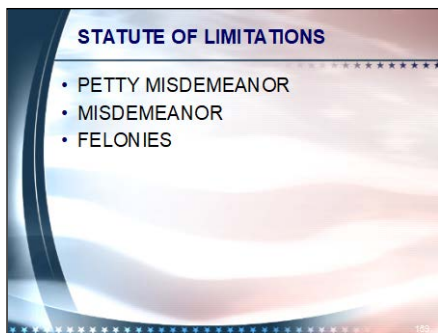
DETAILS OF VIOLENCE AND INJURIES

NUMBER OF TIMES THE VICTIM WAS STRUCK, AREAS OF THE BODY WHERE CONTACT WAS MADE, & ANY MARKS OR INDICATION OF ATTEMPTED STRANGULATION.
SIGNS OF SEXUAL ABUSE INVOLVED IN THE ASSAULT.

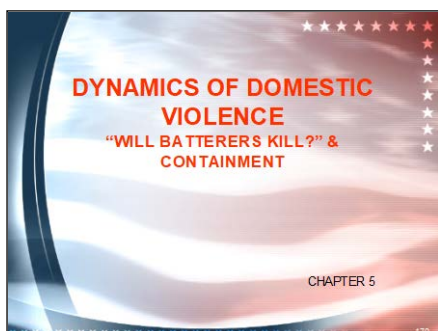


DOCUMENTATION THESE REPORTS:

STRENGTHEN THE PROSECUTION DRAMATICALLY.
PROVIDE A CLEAR HISTORY OF THE PROBLEM AND ITS LETHALITY
FACILIATES THE ADDITION OF CHARGES FROM PREVIOUS ASSAULTS TO THE PRESENT CASE IF THE STATUTE OF LIMITATIONS HAS NOT RUN OUT



STATUTE OF LIMITATIONS PETTY MISDEMEANOR MISDEMEANOR FELONIES

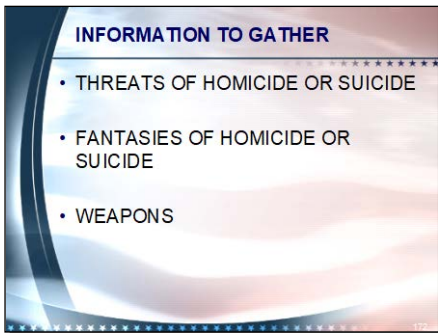


DYNAMICS OF DOMESTIC VIOLENCE "WILL BATTERERS KILL?" & CONTAINMENT CHAPTER 5



ASSESSING WHETHER BATTERERS WILL KILL

ASSESSMENT IS TRICKY AND NEVER FULL PROOF.

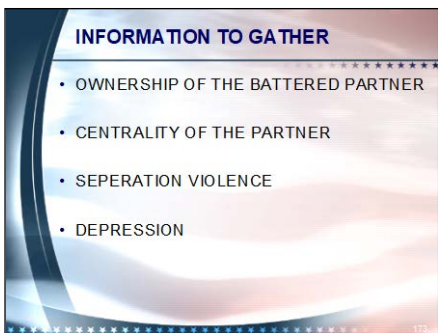


INFORMATION TO GATHER

THREATS OF HOMICIDE OR SUICIDE

FANTASIES OF HOMICIDE OR SUICIDE

WEAPONS



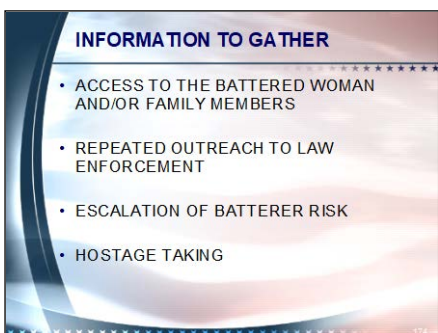
INFORMATION TO GATHER

OWNERSHIP OF THE BATTERED PARTNER

CENTRALITY OF THE PARTNER

SEPERATION VIOLENCE

DEPRESSION



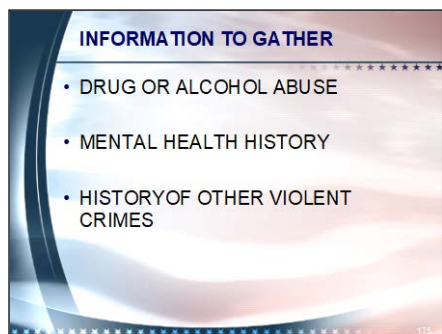
INFORMATION TO GATHER

ACCESS TO THE BATTERED WOMAN AND/OR FAMILY MEMBERS

REPEATED OUTREACH TO LAW ENFORCEMENT

ESCALATION OF BATTERER RISK

HOSTAGE TAKING

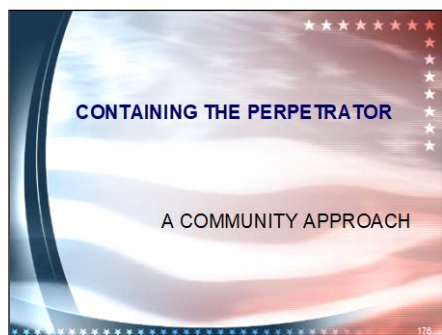


INFORMATION TO GATHER

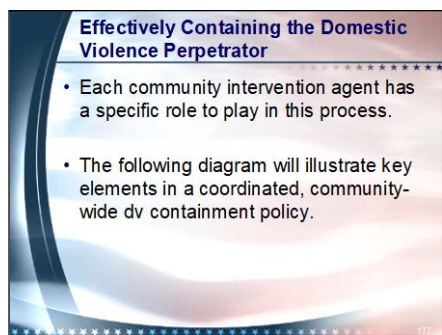
DRUG OR ALCOHOL ABUSE

MENTAL HEALTH HISTORY

HISTORY OF OTHER VIOLENT CRIMES



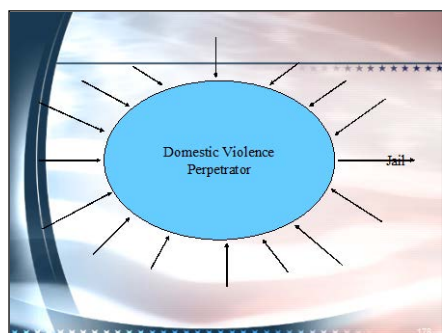
CONTAINING THE PERPETRATOR
A COMMUNITY APPROACH



EFFECTIVELY CONTAINING THE DOMESTIC VIOLENCE
PERPETRATOR

EACH COMMUNITY INTERVENTION AGENT HAS A SPECIFIC
ROLE TO PLAY IN THIS PROCESS.

THE FOLLOWING DIAGRAM WILL ILLUSTRATE KEY ELEMENTS
IN A COORDINATED, COMMUNITY-WIDE DV CONTAINMENT
POLICY.



CONTAINMENT

- JAIL
- NO CONTACT ORDER ISSUED BY COURT
- VICTIM ADVOCACY
- SAFE SHELTER
- REPORT SUSPECTED CHILD ABUSE
- "NO DROP" PROSECUTION POLICY

CONTAINMENT

JAIL
NO CONTACT ORDER ISSUED BY COURT
VICTIM ADVOCACY
SAFE SHELTER
REPORT SUSPECTED CHILD ABUSE
"NO DROP" PROSECUTION POLICY

CONTAINMENT

- OFFENDER SPECIFIC TREATMENT
- JAIL FOR REPEAT OFFENDERS
- COMMUNITY RESOURCES & FINANCIAL SUPPORT FOR VICTIMS
- COMMUNITY EDUCATION
- ALL INSTUTIONS HOLD BATTERER ACCOUNTABLE

CONTAINMENT

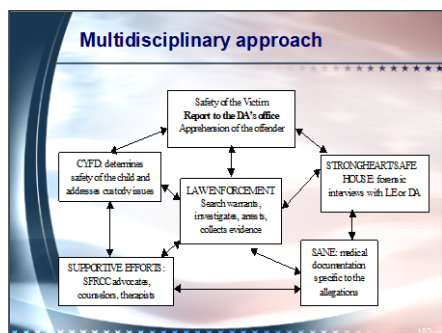
OFFENDER SPECIFIC TREATMENT
JAIL FOR REPEAT OFFENDERS
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CONTAINMENT

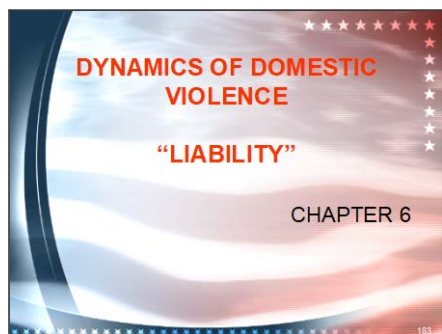
- COMMUNITY STANCE- VIOLENT BEHAVIOR IS A CRIME
- PROBABLE CAUSE ARREST POLICY

CONTAINMENT

COMMUNITY STANCE- VIOLENT BEHAVIOR IS A CRIME
PROBABLE CAUSE ARREST POLICY



MULTIDISCIPLINARY APPROACH



DYNAMICS OF DOMESTIC VIOLENCE

"LIABILITY" CHAPTER 6

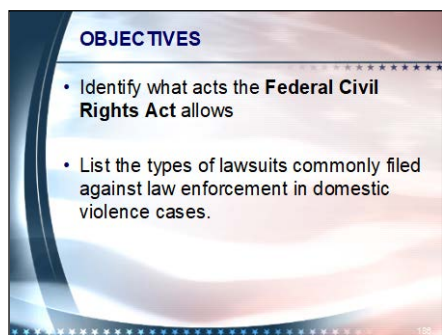


CIVIL LIABILITY IN DOMESTIC VIOLENCE INCIDENTS



GOAL

TO IDENTIFY THOSE AREAS WHERE LAW ENFORCEMENT IS
SUSCEPTIBLE TO LAWSUITS IN DOMESTIC VIOLENCE CASES.



OBJECTIVES

IDENTIFY WHAT ACTS THE FEDERAL CIVIL RIGHTS ACT
ALLOWS

LIST THE TYPES OF LAWSUITS COMMONLY FILED AGAINST
LAW ENFORCEMENT IN DOMESTIC VIOLENCE CASES.

OBJECTIVES

- Identify the steps necessary to avoid liability
- Identify the current requirements place on law enforcement for action per statute

OBJECTIVES

IDENTIFY THE STEPS NECESSARY TO AVOID LIABILITY
IDENTIFY THE CURRENT REQUIREMENTS PLACE ON LAW
ENFORCEMENT FOR ACTION PER STATUTE

FEDERAL CIVIL RIGHTS ACT

- (42 U.S.C. 1983), ALLOWS SUITS AGAINST MUNICIPALITIES AND MUNICIPAL OFFICERS

FEDERAL CIVIL RIGHTS ACT

(42 U.S.C. 1983), ALLOWS SUITS AGAINST MUNICIPALITIES
AND MUNICIPAL OFFICERS

**Officer Discretion and Immunity
Nearing v. Weaver**

- THE OREGON SUPREME COURT HELD THAT:
- POLICE OFFICERS WHO KNOWINGLY FAIL TO ENFORCE A JUDICIAL ORDER ARE POTENTIALLY LIABLE OVER DEFENSES OF OFFICER DISCRETIONS AND IMMUNITY.

OFFICER DISCRETION AND IMMUNITY NEARING V. WEAVER

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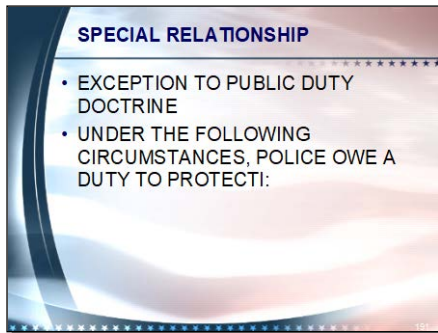
Nearing v. Weaver

- AN OFFICER IS NOT ENGAGED IN A "DISCRETIONARY FUNCTION OF DUTY" WHENEVER HE OR SHE MUST EVALUATE AND ACT UPON FACTUAL JUDGMENT.
- WE GET INTO TROUBLE BY MINIMIZING CALLS

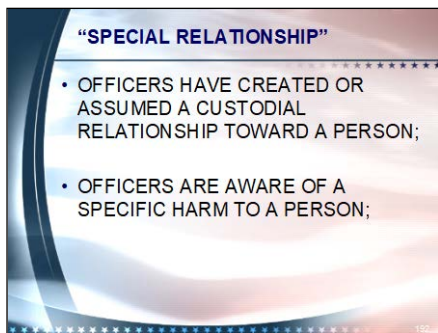
NEARING V. WEAVER

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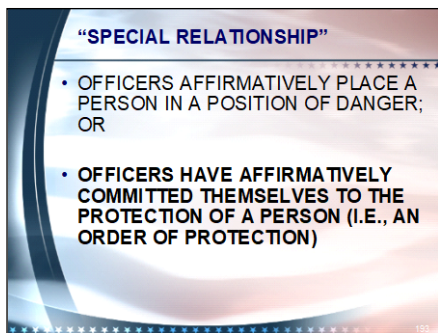
**SPECIAL RELATIONSHIP**

EXCEPTION TO PUBLIC DUTY DOCTRINE
UNDER THE FOLLOWING CIRCUMSTANCES, POLICE OWE A DUTY TO PROTECT:

**"SPECIAL RELATIONSHIP"**

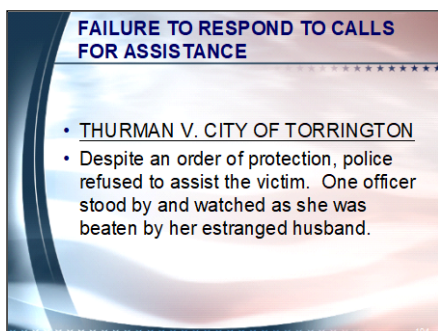
OFFICERS HAVE CREATED OR ASSUMED A CUSTODIAL
RELATIONSHIP TOWARD A PERSON;

OFFICERS ARE AWARE OF A SPECIFIC HARM TO A PERSON;

**"SPECIAL RELATIONSHIP"**

OFFICERS AFFIRMATIVELY PLACE A PERSON IN A POSITION OF
DANGER; OR

OFFICERS HAVE AFFIRMATIVELY COMMITTED THEMSELVES TO
THE PROTECTION OF A PERSON (I.E., AN ORDER OF
PROTECTION)

**FAILURE TO RESPOND TO CALLS FOR ASSISTANCE****THURMAN V. CITY OF TORRINGTON**

Despite an order of protection, police refused to assist the victim.
One officer stood by and watched as she was beaten by her
estranged husband.

FAILURE TO RESPOND TO CALLS FOR ASSISTANCE

SORCICHETTI V. CITY OF NEW YORK

Despite evidence that a child was in danger during an overdue visitation, police failed to investigate—the father had stabbed the child with a knife and an ice pick and he had tried to saw off her leg.

FAILURE TO RESPOND TO CALLS FOR ASSISTANCE

SORCICHETTI V. CITY OF NEW YORK

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FAILURE TO RESPOND TO CALLS FOR ASSISTANCE

- IN BOTH CASES, THE COURTS HELD THAT A SPECIAL RELATIONSHIP EXISTED

FAILURE TO RESPOND TO CALLS FOR ASSISTANCE

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FAILURE TO ARREST OR RESTRAIN

- JONES V. COUNTY OF HERKIMER
- The court found that a **special relationship** had been created when police failed to protect the victim from the son of a county judge.

FAILURE TO ARREST OR RESTRAIN

JONES V. COUNTY OF HERKIMER

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FAILURE TO ARREST OR RESTRAIN

- BAKER V. CITY OF NEW YORK
- The court found that a **special relationship** existed when a probation officer ordered the victim to share a waiting room with her husband (a police officer), who shot her.

FAILURE TO ARREST OR RESTRAIN

BAKER V. CITY OF NEW YORK

The court found that a special relationship existed when a probation officer ordered the victim to share a waiting room with her husband (a police officer), who shot her.

[illegible]

A DUTY TO PROTECT HAS BEEN ASSUMED

- ZIBBON V. TOWN OF CHEEKTOWAGA
- Police promised the victim full protection from her ex-boyfriend, then withdrew the protection by mistake. The court held that a **special relationship** had been created.

A DUTY TO PROTECT HAS BEEN ASSUMED

ZIBBON V. TOWN OF CHEEKTOWAGA

Police promised the victim full protection from her ex-boyfriend, then withdrew the protection by mistake. The court held that a special relationship had been created.

A DUTY TO PROTECT HAS BEEN ASSUMED

- MORGAN V. COUNTY OF YUBA
- Police promised to contact the victim if and when the perpetrator was released on bail, but failed to warn her. The court held that a **special relationship** had been created.

A DUTY TO PROTECT HAS BEEN ASSUMED

MORGAN V. COUNTY OF YUBA

Police promised to contact the victim if and when the perpetrator was released on bail, but failed to warn her. The court held that a special relationship had been created.

**SIMPSON V. CITY OF MIAMI
"DUTY OF CARE"**

On March 24, 1994 the suspect, Hurd, while under a domestic violence restraining order had visited the victim and threatened to kill her and left the residence. Ms. Simpson called the police. There was a documented history of violence at the residence. Dispatched confirmed the order and sent a patrol unit.

SIMPSON V. CITY OF MIAMI "DUTY OF CARE"

On March 24, 1994 the suspect, Hurd, while under a domestic violence restraining order had visited the victim and threatened to kill her and left the residence. Ms. Simpson called the police. There was a documented history of violence at the residence. Dispatched confirmed the order and sent a patrol unit.

SIMPSON V. CITY OF MIAMI

- Hurd was located and placed under arrest. He plead with officers and was released. The next day Hurd returned and shot Simpson to death.

SIMPSON V. CITY OF MIAMI

Hurd was located and placed under arrest. He pleads with officers and was released. The next day Hurd returned and shot Simpson to death.

SIMPSON V. CITY OF MIAMI**SUPREME COURT FINDING**

If the domestic violence injunction is to have any real impact in preventing tragedies such as this one, the violators must be arrested, without any police discretion on the matter because the police force is the only body with the capability and the duty to address these violations when they occur.

SIMPSON V. CITY OF MIAMI**SUPREME COURT FINDING**

If the domestic violence injunction is to have any real impact in preventing tragedies such as this one, the violators must be arrested, without any police discretion on the matter because the police force is the only body with the capability and the duty to address these violations when they occur.

ACTION VS. FAILURE TO ACT**• LIABILITY FOR ACTIONS**

– False arrests, illegal searches, excessive use of force, civil rights violations, etc.

LIABILITY FOR FAILURE TO ACT

Police are accountable for inaction.

**ACTION VS. FAILURE TO ACT
LIABILITY FOR ACTIONS**

FALSE ARRESTS, ILLEGAL SEARCHES, EXCESSIVE USE OF FORCE, CIVIL RIGHTS VIOLATIONS, ETC.

LIABILITY FOR FAILURE TO ACT
POLICE ARE ACCOUNTABLE FOR INACTION.

LAWSUITS FOR FAILING TO ADEQUATELY TRAIN OFFICERS

- In City of Canton, Ohio v. Harris
- Liability can be established based on inadequate police training, where it can be shown that municipal policy makers exhibited **DELIBERATE INDIFFERENCE** to the constitutional rights of citizens.

LAWSUITS FOR FAILING TO ADEQUATELY TRAIN OFFICERS

In City of Canton, Ohio v. Harris

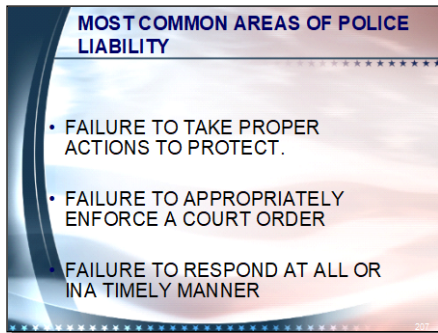
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LAWSUITS FOR FAILING TO ADEQUATELY TRAIN

- In Ricketts V. Columbia, evidence was presented showing that the police had been trained that it was permissible to respond more minimally to domestic violence calls than non-domestic violence calls.

LAWSUITS FOR FAILING TO ADEQUATELY TRAIN

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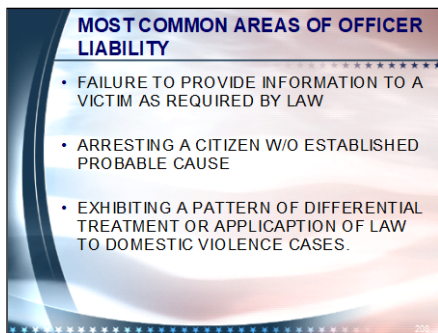


MOST COMMON AREAS OF POLICE LIABILITY

FAILURE TO TAKE PROPER ACTIONS TO PROTECT.

FAILURE TO APPROPRIATELY ENFORCE A COURT ORDER

FAILURE TO RESPOND AT ALL OR IN A TIMELY MANNER

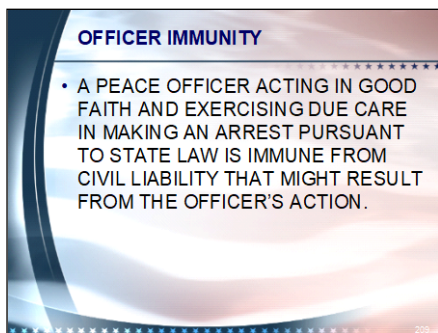


MOST COMMON AREAS OF OFFICER LIABILITY

FAILURE TO PROVIDE INFORMATION TO A VICTIM AS REQUIRED BY LAW

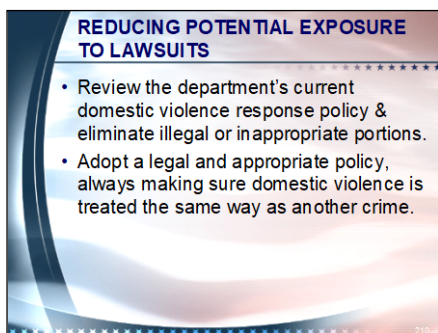
ARRESTING A CITIZEN W/O ESTABLISHED PROBABLE CAUSE

EXHIBITING A PATTERN OF DIFFERENTIAL TREATMENT OR APPLICATION OF LAW TO DOMESTIC VIOLENCE CASES.



OFFICER IMMUNITY

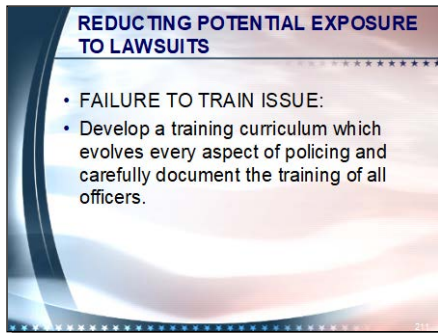
A PEACE OFFICER ACTING IN GOOD FAITH AND EXERCISING DUE CARE IN MAKING AN ARREST PURSUANT TO STATE LAW IS IMMUNE FROM CIVIL LIABILITY THAT MIGHT RESULT FROM THE OFFICER'S ACTION.



REDUCING POTENTIAL EXPOSURE TO LAWSUITS

Review the department's current domestic violence response policy & eliminate illegal or inappropriate portions.

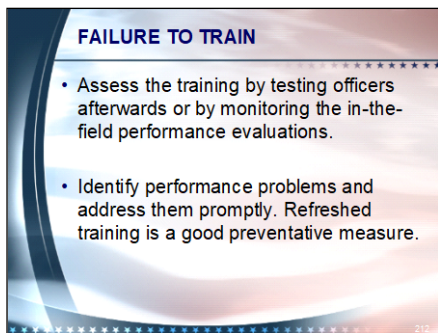
Adopt a legal and appropriate policy, always making sure domestic violence is treated the same way as another crime.



REDUCING POTENTIAL EXPOSURE TO LAWSUITS

FAILURE TO TRAIN ISSUE:

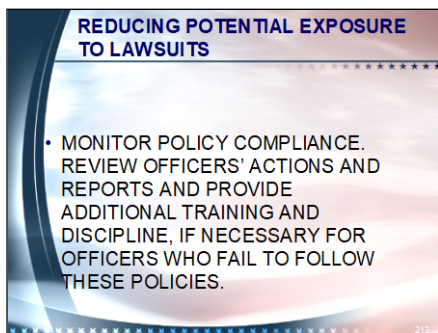
Develop a training curriculum which evolves every aspect of policing and carefully document the training of all officers.



FAILURE TO TRAIN

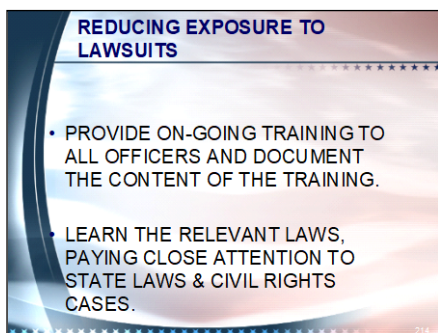
ASSESS THE TRAINING BY TESTING OFFICERS AFTERWARDS OR BY MONITORING THE IN-THE-FIELD PERFORMANCE EVALUATIONS.

IDENTIFY PERFORMANCE PROBLEMS AND ADDRESS THEM PROMPTLY. REFRESHED TRAINING IS A GOOD PREVENTATIVE MEASURE.



REDUCING POTENTIAL EXPOSURE TO LAWSUITS

MONITOR POLICY COMPLIANCE. REVIEW OFFICERS' ACTIONS AND REPORTS AND PROVIDE ADDITIONAL TRAINING AND DISCIPLINE, IF NECESSARY FOR OFFICERS WHO FAIL TO FOLLOW THESE POLICIES.



REDUCING EXPOSURE TO LAWSUITS

PROVIDE ON-GOING TRAINING TO ALL OFFICERS AND DOCUMENT THE CONTENT OF THE TRAINING.

LEARN THE RELEVANT LAWS, PAYING CLOSE ATTENTION TO STATE LAWS & CIVIL RIGHTS CASES.

REDUCING EXPOSURE TO LAWSUITS

- REVIEW LEGISLATION, WATCH FOR CHANGES IN THE LAW AND COMMUNICATE THEM IMMEDIATELY THROUGH POLICY AND PROCEDURE CHANGES.

REDUCING EXPOSURE TO LAWSUITS

REVIEW LEGISLATION, WATCH FOR CHANGES IN THE LAW AND COMMUNICATE THEM IMMEDIATELY THROUGH POLICY AND PROCEDURE CHANGES.

BUILD A STRONG DATA COLLECTION SYSTEM

DO YOU KNOW?

- What percentage of your calls for service were "domestic violence" calls?
- What percentage of your domestic violence calls resulted in arrest?
- What percentage of your domestic violence calls were dual arrests?

BUILD A STRONG DATA COLLECTION SYSTEM

DO YOU KNOW?

What percentage of your calls for service were "domestic violence" calls?

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BUILD A STRONG DATA COLLECTION SYSTEM

- DO YOU KNOW?
- Are there periods of time when family violence calls are most frequent?
- Which community/districts/beats have the highest/lowest percentage of arrest compared to their total number of dv calls?

BUILD A STRONG DATA COLLECTION SYSTEM

DO YOU KNOW?

Are there periods of time when family violence calls are most frequent?

Which community/districts/beats have the highest/lowest percentage of arrest compared to their total number of dv calls?

BUILD A STRONG DATA COLLECTION SYSTEM

- DO YOU KNOW?
- What % of your domestic violence calls had a crime report or incident report prepared?
- What % of your homicides were domestic violence related?
- What percentage of your felonious assaults were domestic violence related?

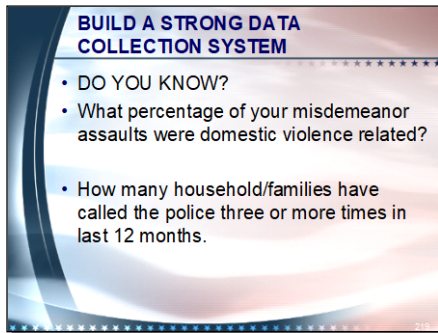
BUILD A STRONG DATA COLLECTION SYSTEM

DO YOU KNOW?

WHAT % OF YOUR DOMESTIC VIOLENCE CALLS HAD A CRIME REPORT OR INCIDENT REPORT PREPARED?

WHAT % OF YOUR HOMICIDES WERE DOMESTIC VIOLENCE RELATED?

WHAT PERCENTAGE OF YOUR FELONIOUS ASSAULTS WERE DOMESTIC VIOLENCE RELATED?

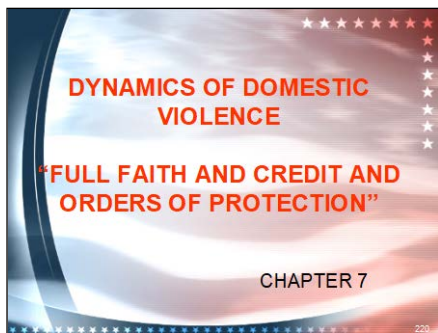


BUILD A STRONG DATA COLLECTION SYSTEM

DO YOU KNOW?

WHAT PERCENTAGE OF YOUR MISDEMEANOR ASSAULTS WERE DOMESTIC VIOLENCE RELATED?

HOW MANY HOUSEHOLD/FAMILIES HAVE CALLED THE POLICE THREE OR MORE TIMES IN LAST 12 MONTHS?



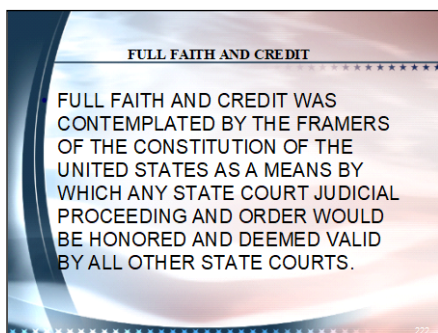
DYNAMICS OF DOMESTIC VIOLENCE

"FULL FAITH AND CREDIT AND ORDERS OF PROTECTION"

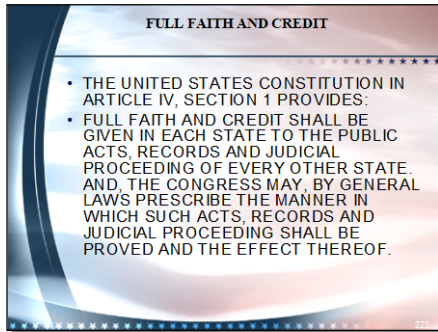
CHAPTER 7



FOR ORDERS OF PROTECTION

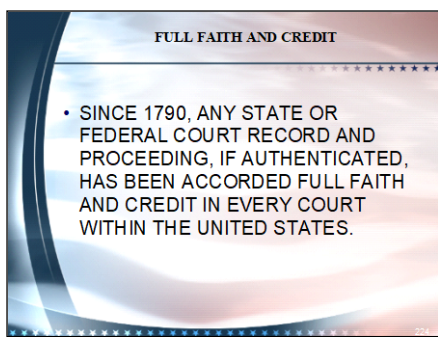


FULL FAITH AND CREDIT WAS CONTEMPLATED BY THE FRAMERS OF THE CONSTITUTION OF THE UNITED STATES AS A MEANS BY WHICH ANY STATE COURT JUDICIAL PROCEEDING AND ORDER WOULD BE HONORED AND DEEMED VALID BY ALL OTHER STATE COURTS.

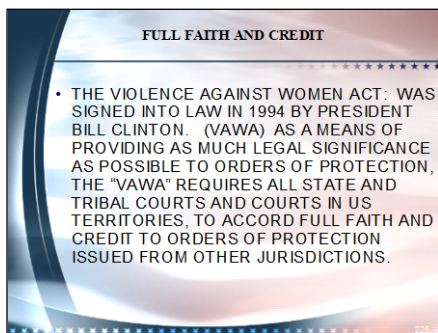


THE UNITED STATES CONSTITUTION IN ARTICLE IV, SECTION 1 PROVIDES:

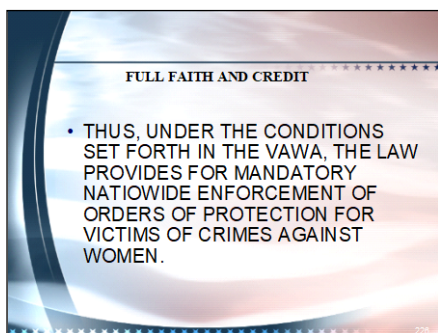
FULL FAITH AND CREDIT SHALL BE GIVEN IN EACH STATE TO THE PUBLIC ACTS, RECORDS AND JUDICIAL PROCEEDING OF EVERY OTHER STATE. AND, THE CONGRESS MAY, BY GENERAL LAWS PRESCRIBE THE MANNER IN WHICH SUCH ACTS, RECORDS AND JUDICIAL PROCEEDING SHALL BE PROVED AND THE EFFECT THEREOF.



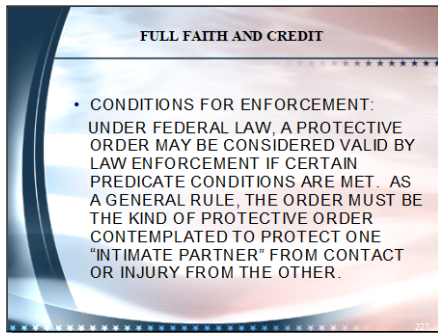
SINCE 1790, ANY STATE OR FEDERAL COURT RECORD AND PROCEEDING, IF AUTHENTICATED, HAS BEEN ACCORDED FULL FAITH AND CREDIT IN EVERY COURT WITHIN THE UNITED STATES.



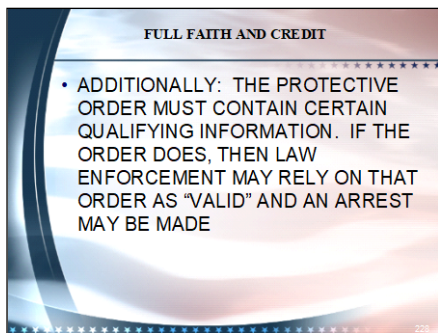
THE VIOLENCE AGAINST WOMEN ACT: WAS SIGNED INTO LAW IN 1994 BY PRESIDENT BILL CLINTON. (VAWA) AS A MEANS OF PROVIDING AS MUCH LEGAL SIGNIFICANCE AS POSSIBLE TO ORDERS OF PROTECTION, THE "VAWA" REQUIRES ALL STATE AND TRIBAL COURTS AND COURTS IN US TERRITORIES, TO ACCORD FULL FAITH AND CREDIT TO ORDERS OF PROTECTION ISSUED FROM OTHER JURISDICTIONS.



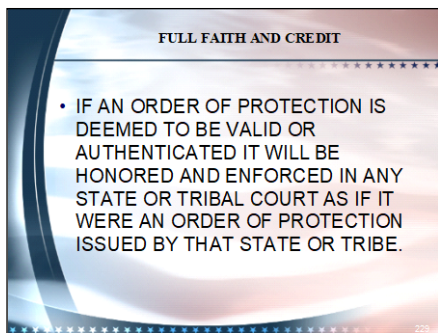
THUS, UNDER THE CONDITIONS SET FORTH IN THE VAWA, THE LAW PROVIDES FOR MANDATORY NATIONWIDE ENFORCEMENT OF ORDERS OF PROTECTION FOR VICTIMS OF CRIMES AGAINST WOMEN.

**CONDITIONS FOR ENFORCEMENT:**

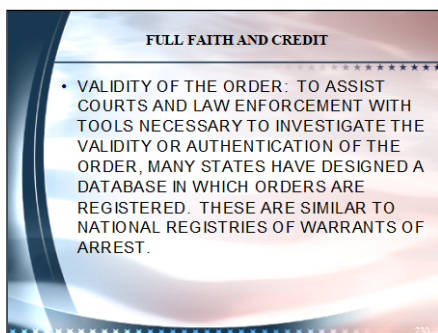
UNDER FEDERAL LAW, A PROTECTIVE ORDER MAY BE CONSIDERED VALID BY LAW ENFORCEMENT IF CERTAIN PREDICATE CONDITIONS ARE MET. AS A GENERAL RULE, THE ORDER MUST BE THE KIND OF PROTECTIVE ORDER CONTEMPLATED TO PROTECT ONE "INTIMATE PARTNER" FROM CONTACT OR INJURY FROM THE OTHER.



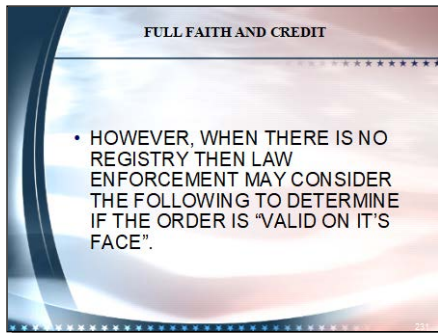
ADDITIONALLY: THE PROTECTIVE ORDER MUST CONTAIN CERTAIN QUALIFYING INFORMATION. IF THE ORDER DOES, THEN LAW ENFORCEMENT MAY RELY ON THAT ORDER AS "VALID" AND AN ARREST MAY BE MADE



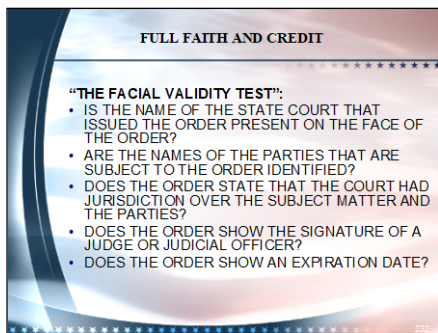
IF AN ORDER OF PROTECTION IS DEEMED TO BE VALID OR AUTHENTICATED IT WILL BE HONORED AND ENFORCED IN ANY STATE OR TRIBAL COURT AS IF IT WERE AN ORDER OF PROTECTION ISSUED BY THAT STATE OR TRIBE.



VALIDITY OF THE ORDER: TO ASSIST COURTS AND LAW ENFORCEMENT WITH TOOLS NECESSARY TO INVESTIGATE THE VALIDITY OR AUTHENTICATION OF THE ORDER, MANY STATES HAVE DESIGNED A DATABASE IN WHICH ORDERS ARE REGISTERED. THESE ARE SIMILAR TO NATIONAL REGISTRIES OF WARRANTS OF ARREST.



HOWEVER, WHEN THERE IS NO REGISTRY THEN LAW ENFORCEMENT MAY CONSIDER THE FOLLOWING TO DETERMINE IF THE ORDER IS "VALID ON ITS FACE".



"THE FACIAL VALIDITY TEST":

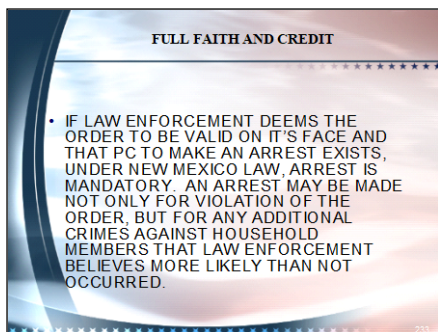
IS THE NAME OF THE STATE COURT THAT ISSUED THE ORDER PRESENT ON THE FACE OF THE ORDER?

ARE THE NAMES OF THE PARTIES THAT ARE SUBJECT TO THE ORDER IDENTIFIED?

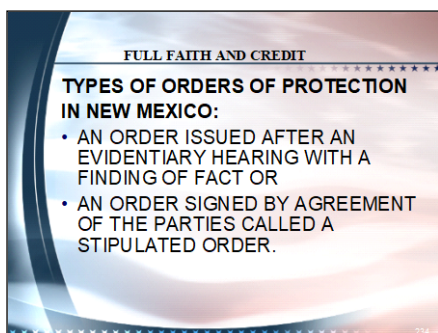
DOES THE ORDER STATE THAT THE COURT HAD JURISDICTION OVER THE SUBJECT MATTER AND THE PARTIES?

DOES THE ORDER SHOW THE SIGNATURE OF A JUDGE OR JUDICIAL OFFICER?

DOES THE ORDER SHOW AN EXPIRATION DATE?



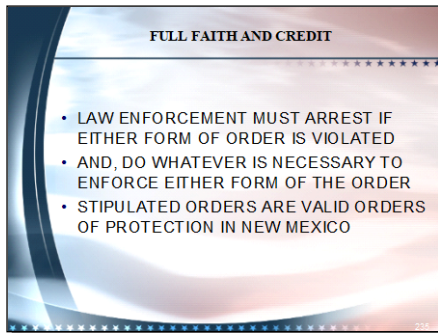
IF LAW ENFORCEMENT DEEMS THE ORDER TO BE VALID ON IT'S FACE AND THAT PC TO MAKE AN ARREST EXISTS, UNDER NEW MEXICO LAW, ARREST IS MANDATORY. AN ARREST MAY BE MADE NOT ONLY FOR VIOLATION OF THE ORDER, BUT FOR ANY ADDITIONAL CRIMES AGAINST HOUSEHOLD MEMBERS THAT LAW ENFORCEMENT BELIEVES MORE LIKELY THAN NOT OCCURRED.



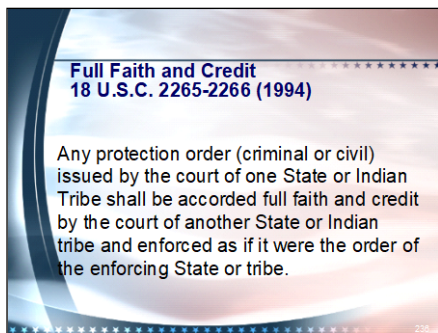
TYPES OF ORDERS OF PROTECTION
IN NEW MEXICO:

AN ORDER ISSUED AFTER AN EVIDENTIARY HEARING WITH A FINDING OF FACT OR

AN ORDER SIGNED BY AGREEMENT OF THE PARTIES CALLED A STIPULATED ORDER.

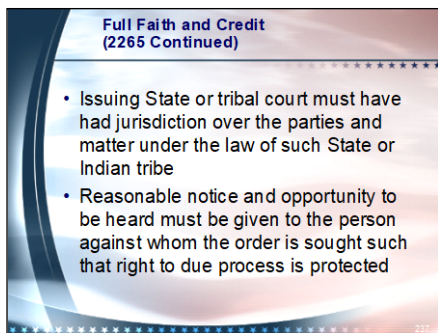


LAW ENFORCEMENT MUST ARREST IF EITHER FORM OF ORDER IS VIOLATED
AND, DO WHATEVER IS NECESSARY TO ENFORCE EITHER FORM OF THE ORDER
STIPULATED ORDERS ARE VALID ORDERS OF PROTECTION IN NEW MEXICO



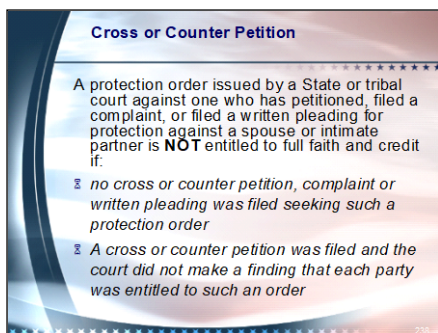
Full Faith and Credit
18 U.S.C. 2265-2266 (1994)

Any protection order (criminal or civil) issued by the court of one State or Indian Tribe shall be accorded full faith and credit by the court of another State or Indian tribe and enforced as if it were the order of the enforcing State or tribe.



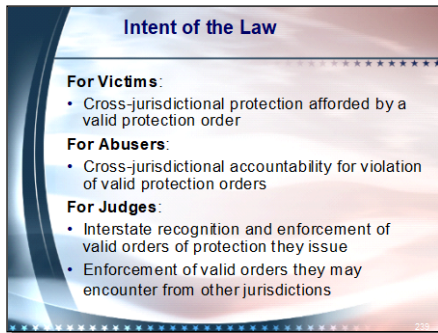
Full Faith and Credit
(2265 Continued)

Issuing State or tribal court must have had jurisdiction over the parties and matter under the law of such State or Indian tribe
Reasonable notice and opportunity to be heard must be given to the person against whom the order is sought such that right to due process is protected



Cross or Counter Petition

A protection order issued by a State or tribal court against one who has petitioned, filed a complaint, or filed a written pleading for protection against a spouse or intimate partner is **NOT** entitled to full faith and credit if:
no cross or counter petition, complaint or written pleading was filed seeking such a protection order
A cross or counter petition was filed and the court did not make a finding that each party was entitled to such an order



Intent of the Law

For Victims:

Cross-jurisdictional protection afforded by a valid protection order

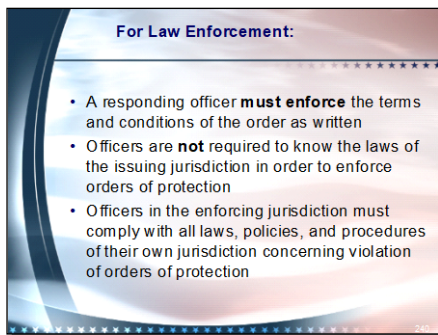
For Abusers:

Cross-jurisdictional accountability for violation of valid protection orders

For Judges:

Interstate recognition and enforcement of valid orders of protection they issue

Enforcement of valid orders they may encounter from other jurisdictions



For Law Enforcement:

A responding officer must enforce the terms and conditions of the order as written

Officers are not required to know the laws of the issuing jurisdiction in order to enforce orders of protection

Officers in the enforcing jurisdiction must comply with all laws, policies, and procedures of their own jurisdiction concerning violation of orders of protection



Jurisdictional Responsibilities

Issuing Jurisdiction

Determines whether an order should be issued

Determines who is to be protected

Sets terms and conditions of the order

Determines order's duration

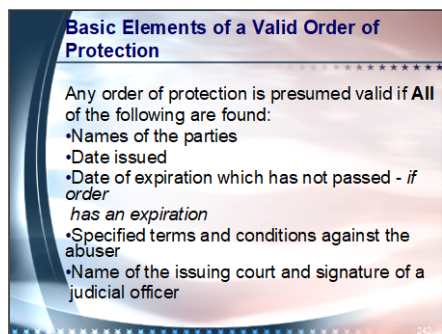
Enforcing Jurisdiction

Determines how the order is enforced

Sets arrest authority for responding officer

Sets detention and notification procedures

Determines crimes charged for violation of an order



Basic Elements of a Valid Order of Protection

Any order of protection is presumed valid if All of the following are found:

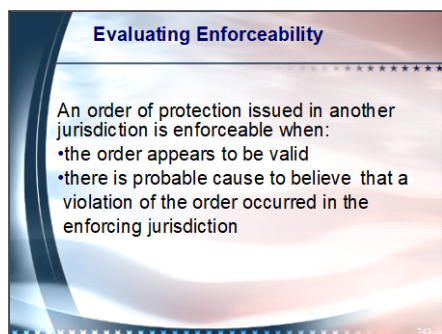
Names of the parties

Date issued

Date of expiration which has not passed - *if order has an expiration*

Specified terms and conditions against the abuser

Name of the issuing court and signature of a judicial officer

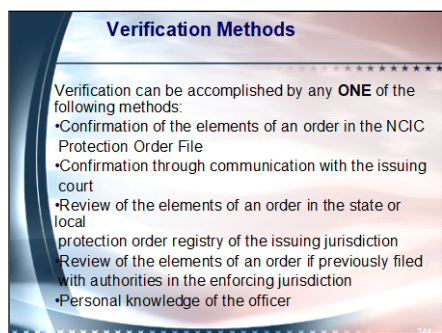


Evaluating Enforceability

An order of protection issued in another jurisdiction is enforceable when:

the order appears to be valid

there is probable cause to believe that a violation of the order occurred in the enforcing jurisdiction



Verification Methods

Verification can be accomplished by any ONE of the following methods:

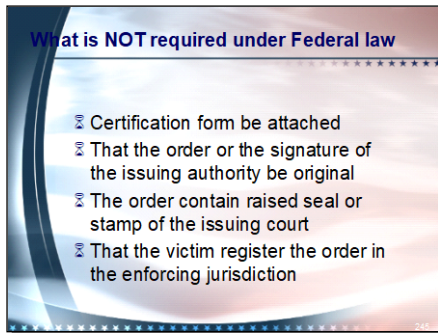
Confirmation of the elements of an order in the NCIC Protection Order File

Confirmation through communication with the issuing court

Review of the elements of an order in the state or local protection order registry of the issuing jurisdiction

Review of the elements of an order if previously filed with authorities in the enforcing jurisdiction

Personal knowledge of the officer



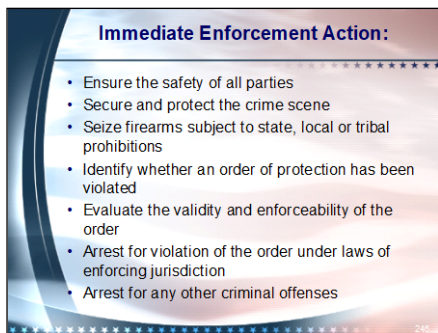
What is NOT required under Federal Law?

Certification form be attached

That the order or the signature of the issuing authority be original

The order contain raised seal or stamp of the issuing court

That the victim registers the order in the enforcing jurisdiction



Immediate Enforcement Action:

Ensure the safety of all parties

Secure and protect the crime scene

Seize firearms subject to state, local or tribal prohibitions

Identify whether an order of protection has been violated

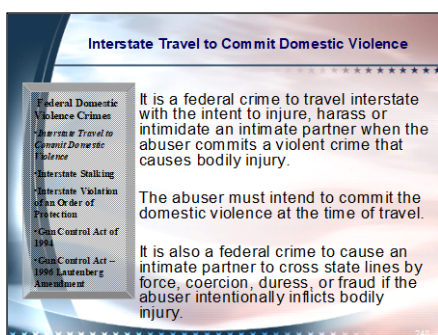
Evaluate the validity and enforceability of the order

Arrest for violation of the order under laws of enforcing jurisdiction

Arrest for any other criminal offenses



FEDERAL INTERSTATE LAWS



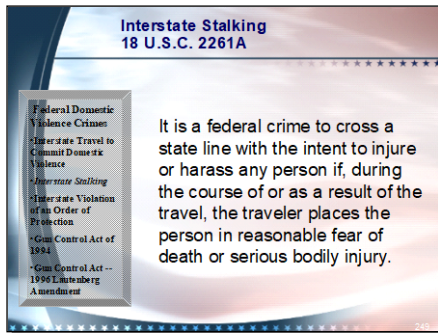
Interstate Travel to Commit Domestic Violence

It is a federal crime to travel interstate with the intent to injure, harass or intimidate an intimate partner when the abuser commits a violent crime that causes bodily injury.

The abuser must intend to commit the domestic violence at the time of travel.

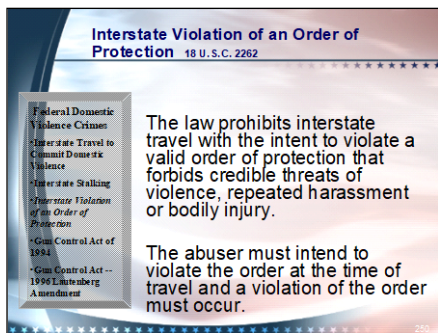
It is also a federal crime to cause an intimate partner to cross state lines by force, coercion, duress, or fraud if the abuser intentionally inflicts bodily injury.

[illegible]



Interstate Stalking 18 U.S.C. 2261A

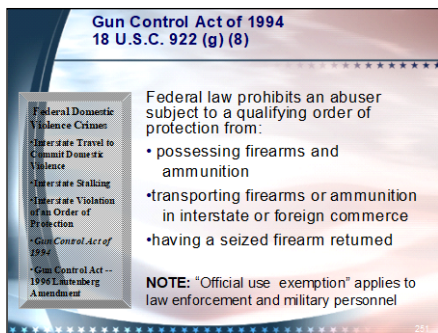
It is a federal crime to cross a state line with the intent to injure or harass any person if, during the course of or as a result of the travel, the traveler places the person in reasonable fear of death or serious bodily injury.



Interstate Violation of an Order of Protection 18 U.S.C. 2262

The law prohibits interstate travel with the intent to violate a valid order of protection that forbids credible threats of violence, repeated harassment or bodily injury.

The abuser must intend to violate the order at the time of travel and a violation of the order must occur.

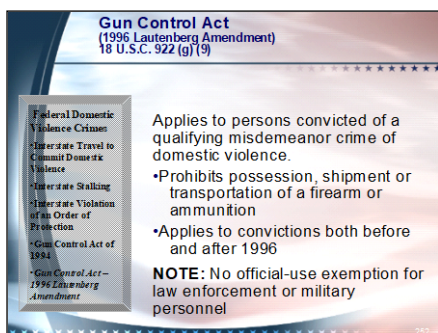


Gun Control Act of 1994 18 U.S.C. 922 (g) (8)

Federal law prohibits an abuser subject to a qualifying order of protection from:

- possessing firearms and ammunition
- transporting firearms or ammunition in interstate or foreign commerce
- having a seized firearm returned

NOTE: "Official use exemption" applies to law enforcement and military personnel



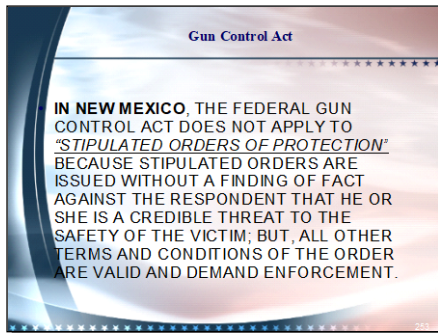
Gun Control Act (1996 Lautenberg Amendment) 18 U.S.C. 922 (g) (9)

Applies to persons convicted of a qualifying misdemeanor crime of domestic violence.

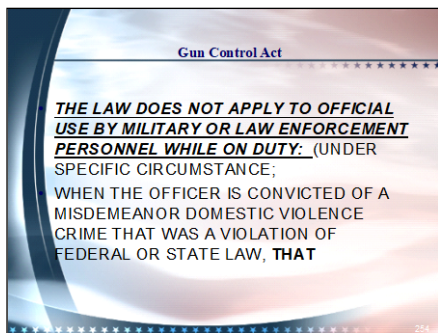
Prohibits possession, shipment or transportation of a firearm or ammunition

Applies to convictions both before and after 1996

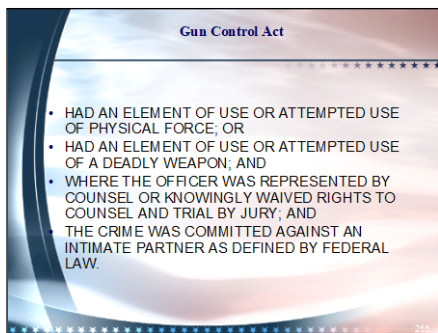
NOTE: No official-use exemption for law enforcement or military personnel



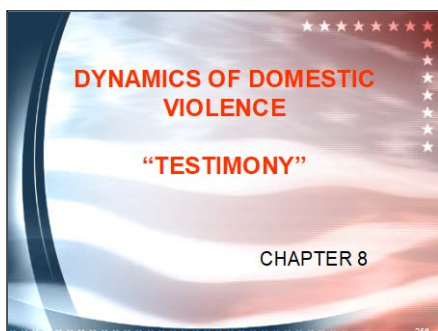
IN NEW MEXICO, THE FEDERAL GUN CONTROL ACT DOES NOT APPLY TO "STIPULATED ORDERS OF PROTECTION" BECAUSE STIPULATED ORDERS ARE ISSUED WITHOUT A FINDING OF FACT AGAINST THE RESPONDENT THAT HE OR SHE IS A CREDIBLE THREAT TO THE SAFETY OF THE VICTIM; BUT, ALL OTHER TERMS AND CONDITIONS OF THE ORDER ARE VALID AND DEMAND ENFORCEMENT.



THE LAW DOES NOT APPLY TO OFFICIAL USE BY MILITARY OR LAW ENFORCEMENT PERSONNEL WHILE ON DUTY: (UNDER SPECIFIC CIRCUMSTANCE; WHEN THE OFFICER IS CONVICTED OF A MISDEMEANOR DOMESTIC VIOLENCE CRIME THAT WAS A VIOLATION OF FEDERAL OR STATE LAW, THAT



HAD AN ELEMENT OF USE OR ATTEMPTED USE OF PHYSICAL FORCE; OR
HAD AN ELEMENT OF USE OR ATTEMPTED USE OF A DEADLY WEAPON; AND
WHERE THE OFFICER WAS REPRESENTED BY COUNSEL OR KNOWINGLY WAIVED RIGHTS TO COUNSEL AND TRIAL BY JURY; AND
THE CRIME WAS COMMITTED AGAINST AN INTIMATE PARTNER AS DEFINED BY FEDERAL LAW.

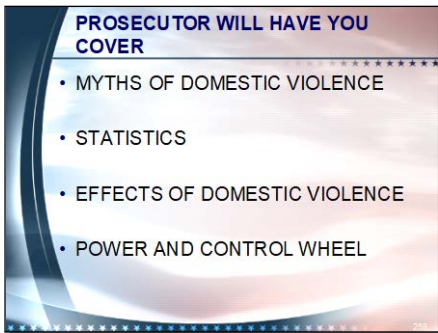


DYNAMICS OF DOMESTIC VIOLENCE

"TESTIMONY"
CHAPTER 8



EXPERT WITNESS
TESTIMONY



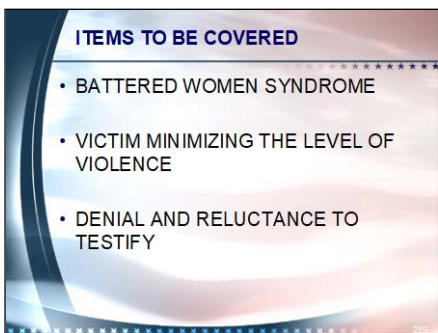
PROSECUTOR WILL HAVE YOU COVER

MYTHS OF DOMESTIC VIOLENCE

STATISTICS

EFFECTS OF DOMESTIC VIOLENCE

POWER AND CONTROL WHEEL

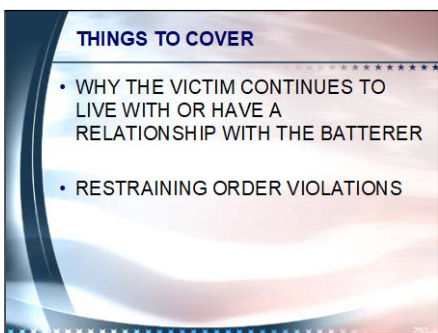


ITEMS TO BE COVERED

BATTERED WOMEN SYNDROME

VICTIM MINIMIZING THE LEVEL OF VIOLENCE

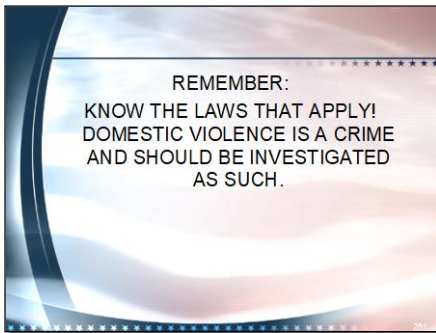
DENIAL AND RELUCTANCE TO TESTIFY



THINGS TO COVER

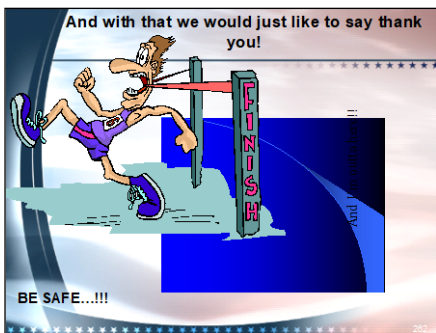
WHY THE VICTIM CONTINUES TO LIVE WITH OR HAVE A
RELATIONSHIP WITH THE BATTERER

RESTRAINING ORDER VIOLATIONS



REMEMBER:

KNOW THE LAWS THAT APPLY! DOMESTIC VIOLENCE IS A CRIME AND SHOULD BE INVESTIGATED AS SUCH.
And with that we would just like to say thank you!



COURSE AUDIT

PRIMARY INSTRUCTOR:

SECONDARY INSTRUCTOR:

SUPPORT STAFF (i.e.: Scenario Managers, Role Players, etc):

DATE(S)/ TIME(S) OF INSTRUCTION:

LOCATION OF INSTRUCTION:

RECOMMENDED CURRICULUM CHANGES: Identify inaccurate information, outdated information, new information to be added to update material, etc. (Use additional pages if necessary)

COURSE AUDIT (Continued)

ADDITIONAL INSTRUCTOR COMMENTS: (If any portion of the course content was not presented, indicate the specific content here)

If course content other than the NMDPS TRD approved Basic or PST academy curriculum is taught, the alternative curriculum must be submitted to the Law Enforcement Academy Deputy Director's office and approved prior to delivery of the alternative instructional materials.

☐ Alternative curriculum was taught.

Accreditation number of alternative curriculum:

SIGNATURE

DATE

Primary Instructor

Reviewed by Program Coordinator

Reviewed by Bureau Chief

Reviewed by LEA Director or Designee